

# **DETERMINATION OF NON-SIGNIFICANCE**

PROPOSAL NAME:	Meydenbauer Meadow Critical Areas Land Use Permit and Variance
LOCATION:	415 102 <sup>nd</sup> Ave SE
FILE NUMBERS:	19-131750-LO; 20-119809-LS
PROPONENT:	Kevin Cleary, Goldsmith Engineering

#### DESCRIPTION OF PROPOSAL:

Construct two (2) detached single-family residences on a 1.19 acre site. The proposed development is within the stream buffer of Meydenbauer Creek and a Category III wetland buffer. A reasonable use exception is required because over 90% of the site area is encumbered with critical areas and buffers. Therefore, the development area is limited to 10% (5,186 SF) of the 51,862 SF (1.19 acres) total site area.

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision.

DATE ISSUED: December 31, 2020

APPEAL DATE: January 14, 2021

A written appeal must be filed in the City Clerk's Office by 5 p.m. on the date noted above.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project): or if the DNS was procured by misrepresentation or lack of material disclosure.

Heidi Bedwell, Planning Manager

Issued By:

| Tor | Date: December 31, 2020 |

Elizabeth Stead, Environmental Coordinator Development Services Department Proposal Name: Meydenbauer Meadow Critical Areas Land Use Permit

and Variance

Proposal Address: 415 102nd Ave SE

Proposal Description: Critical Areas Land Use Permit to construct two (2)

detached single-family residences on a 1.19 acre site. The proposed development is within the stream buffer of Meydenbauer Creek and a Category III wetland buffer. A reasonable use exception is required because over 90% of the site area is encumbered with critical areas and buffers. Therefore, the development area is limited to 10% (5,186 SF) of the 51,862 SF (1.19 acres) total site

area.

A Variance is proposed to allow for an increase in the maximum 35% lot coverage by structures within the

developable area of the site.

**File Number:** 19-131750-LO, 20-119809-LS

**Applicant:** Kevin Cleary, Goldsmith Engineering

**Decisions Included:** Critical Areas Land Use Permit, Variance (Process II)

Planner: Peter Rosen, Senior Environmental Planner

State Environmental Policy Act Threshold Determination:

Determination of Non-Significance

Heidi Bedwell, Planning Manager

Elizabeth Stead, Environmental Coordinator

**Development Services Department** 

Director's Decision: Approval with Conditions

Michael A. Brennan, Director

Development Services Department Heidi Bedwell, Planning Manager

Elizabeth Stead, Land Use Director

Application Date: December 23, 2019 – Critical Areas Land Use Permit

October 20, 2020 - Variance Permit

Notice of Application Publication Date: January 30, 2020 – Critical Areas Land Use Permit

October 29, 2020 - Variance Permit

Decision Publication Date: December 31, 2020 Project Appeal Deadline: January 14, 2021

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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# Attachments:

- 1. Site Plan Attached
- 2. Critical Area Impact and Mitigation Plans Attached
- 3. Critical Areas Report Altmann Oliver Associates, December 17, 2019 In File
- 4. Geotechnical Report ABPB Consulting, December 4, 2019 In File
- 5. Storm Drainage Memorandum Goldsmith, August 2020 In File
- 6. Arborist Report Greenforest Incorporated, August 12, 2020 In File
- 7. SEPA Environmental Checklist In File

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# I. DESCRIPTION OF PROPOSAL

The proposal is to construct two (2) detached single-family residences on a 1.19 acre site. The proposed development is located within the stream buffer of Meydenbauer Creek (Type-F fish-bearing stream) and a Category III wetland buffer. See Figure 1, Site Plan.

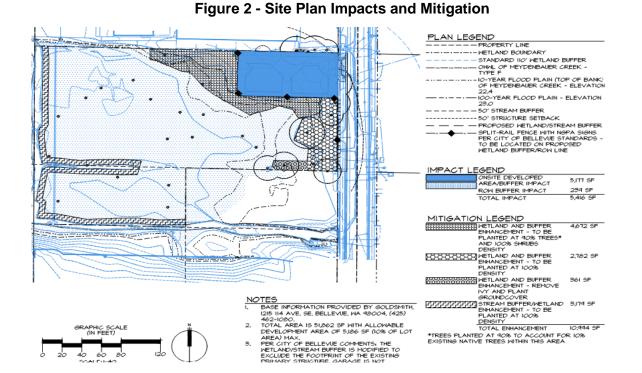
A reasonable use exception is required because over 90% of the total site area is encumbered with critical areas and buffers. Under a reasonable use exception, the development area is limited to 10% (5,186 SF) of the total 51,862 SF (1.19 acres) site area. The proposed development area is 5,177 SF and is located in the northeast corner of the site; redeveloping the portion of the site area where there is an existing single-family residence and attached garage. The proposed development area is also located to avoid direct wetland impacts; the south boundary of the development area is approximately 5 feet from the edge of the wetland. Access to the proposed residences would be from the existing driveway cut off 102nd Ave SE.

A Variance application is proposed to allow for an increase to the maximum 35% lot coverage by structures zoning standard. Lot coverage by structures is calculated by subtracting critical areas (i.e. wetland) and the stream buffer area from the total site area [LUC 20.20.010, Note (13)]. With 5,227 SF of site area outside of critical areas and the stream buffer area, a maximum of 1,829 SF of lot coverage by structures would be allowed. The Variance application requests a total lot coverage by structures of 3,000 SF, an increase of 1,171 SF over the maximum lot coverage calculation. The proposed 3,000 SF of residential structures would be located within the 5,177 SF development area allowed under the reasonable use exception.

The total wetland buffer impact of the proposal is 3,588 SF. The proposal would also impact 1,077 SF of stream buffer. To mitigate for the buffer impacts, the proposal includes: 7,454 SF of buffer enhancement adjacent to the development area and along the road frontage, 361 SF of ivy removal and groundcover planting, and 3,179 SF of planting enhancement adjacent to Meydenbauer Creek. All the proposed mitigation is within combined wetland buffer and stream buffer areas and the wetland area. See Figure 2, Site Plan Impacts and Mitigation.

There are 27 significant trees existing on the subject site with a total of 492 diameter inches. The proposal would remove 2 on-site trees, retaining 464 diameter inches or 94% of the total diameter inches.

Figure 1 – Site Plan



# II. SITE DESCRIPTION, SITE CONTEXT, ZONING/LAND USE, CRITICAL AREAS

#### A. Site Description

The subject site is comprised of one parcel and is a total of 1.19 acres. The site is currently developed with a dilapidated single-family residence and attached garage located in the northeast corner of the site. The proposed development is located within in the site area containing the existing development.

Meydenbauer Creek, a Type-F fish-bearing stream, is piped/culverted along the east boundary of the site, adjacent to 102<sup>nd</sup> Ave SE. The creek channel opens and flows along the south site boundary and then turns north abutting the west property boundary, flowing westerly into Meydenbauer Bay approximately 500 feet to the west of the subject site. On the subject site, the stream is entirely within the wetland area. The 100-year floodplain of the creek encumbers most of the site and generally coincides with the wetland boundary.

Wetland A, a Category III wetland, is considered a depressional hydrogeomorphic (HGM) class wetland for rating purposes and is associated with Meydenbauer Creek. A 110-foot buffer is required for Category III wetlands with 5 habitat points and the wetland buffer extends through the entire property and off-site.

Vegetation within Wetland A is dominated by a canopy of Pacific Willow over Reed Canarygrass. There are patches of Oregon Ash, Himalayan Blackberry, and Creeping Buttercup along the wetland perimeter. Wetland A has been heavily influenced by beaver activity that dammed Meydenbauer Creek. At the time of the wetland delineation, the creek was not observable due to the depth of ponding in the wetland. Following the delineation and just prior to the survey, the beavers were trapped and removed, and water levels dropped to the point that the creek and wetland boundaries could be surveyed.



Figure 3 – Existing Site Conditions

# **B. Site Context**

The subject site is located in a neighborhood developed with multifamily residential uses. The site is located approximately ¼ mile to the south of Main St in Old Bellevue and approximately 500 feet to the east of Meydenbauer Bay.



Figure 4 - Site Context Aerial Photograph

# C. Zoning/Land Use

The subject site is located in the R-30 zoning district and is surrounded by multifamily residential development (R-20 and R-30 zoning).

The Comprehensive Plan land use designation for the site is Multi-Family High Density (MF-H). The R-30 zoning is consistent with and implements the MF-H Comprehensive Plan designation.



Figure 5 - Zoning Map

#### D. Critical Areas Functions and Values

# i. Streams and Riparian Areas - LUC 20.25H.075

#### Stream and Riparian Area Functions:

Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). Upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multicanopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or re-vegetated (May 2003). Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream baseflows. Surface water that flows into riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

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# ii. Wetlands - LUC 20.25H.095

#### Wetland Functions:

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These "functions and values" to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue's wetlands provide various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well (Novitski et al., 1995). However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, urban wetlands may provide significant stormwater control and water quality functions, even if the wetlands are degraded and comprise only a small percentage of area within a basin.

### iii. Habitat Associated with Species of Local Importance

Urbanization, the increase in human settlement density and associated intensification of land use, has a profound and lasting effect on the natural environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005 Munns 2006), is a major cause of native species local extinctions (Czech et al. 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a). Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005). Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O'Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

#### III. CONSISTENCY WITH LAND USE CODE REQUIREMENTS:

#### A. Zoning District Dimensional Requirements:

The site is located in the R-30 zoning district. The maximum allowed density has been calculated consistent with the density calculation for development located in the Critical Areas Overlay District, LUC 20.25H.045:

Total Site area: 51,862 SF (1.19 acres)

Units per Acre (R-30): 30

Total Critical Area and Critical Area Buffer: 50,034 SF (1.149 acres)<sup>1</sup>

Total Buildable Area: 1,828 SF (0.042 acres)

Development factor:

0.035 - (1,828 SF Buildable Area/51,862 SF Total Site Area = (0.035)

**Density Calculation:** 

30(.0.042) + 30(1.149)(0.035) = 1.26 DU's +1.20 DU's = 2.46 DU's base density, rounded down to 2 dwelling units (DU's)

<sup>1</sup> The footprint of the existing primary residence is modified and excluded from the calculation of the total critical area/critical area buffer, consistent with LUC 20.25H.035.B.

The front yard structure setback from 102<sup>nd</sup> Ave SE has been modified/reduced from 20 to 10 feet in order to minimize critical area/buffer impacts, consistent with LUC 20.25H.040.

A minimum 5-foot side yard structure setback applies along the north site boundary. The proposed residential structures are setback approximately 15 feet from the north property boundary. If the height of the structures exceed 30 feet above average finished grade, a minimum 20-foot side yard setback is required (Note 2, LUC 20.25H.040.B). The applicant has not submitted architectural plans or elevations for the proposed residential structures. The setback requirement will be evaluated with the Building Permit submittal. See Condition of Approval regarding Building Height and Side Yard Setback in Section X of this report.

The plans generally demonstrate conformance with zoning dimensional standards. However, conformance with all zoning requirements will be verified as part of the required Construction Permit review. **See Condition of Approval regarding Construction Permits Required in Section X of this report.** 

Landscape standards require a minimum 8-foot width of perimeter/interior property boundary Type III landscaping (LUC 20.20.520.F.1). This standard applies along the north property boundary. The applicant has requested an Alternative Landscape Option (ALO) to modify this landscape requirement, as allowed for in LUC 20.20.520.J. The proposal includes a 5-foot to 12-foot wide landscape buffer along the north property boundary; a 5-foot width along the easterly portion and expanding to a 12-foot width on the western portion. Where the landscape area is reduced to a 5-foot width, the applicant proposes Type II landscaping, increasing the tree planting density

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from 30-foot on-center spacing to 20-foot on-center spacing. The applicant justifies the proposed landscape modification stating that the proposal would provide an equivalent level of visual screening with the Type II landscaping and that the proposal includes an equivalent total square footage of landscape area.

The landscape code includes the following criteria to approve a modification to landscape standards through an Alternative Landscape Option:

# Alternative Landscaping Option - LUC 20.20.520.J

- 1. The applicant may request a modification of the landscaping requirements set forth in subsections E through I of this section; provided, however, that modification of the provisions of paragraph F.6 of this section may not allow disturbance of a critical area or critical area buffer.
  - <u>Finding</u> The wetland buffer engulfs the entire site and the north landscape strip is within the wetland buffer. However, this portion of the wetland buffer is separated from the wetland area by the existing residential development. The wetland buffer area along the north property boundary has been modified and there is no functioning, natural wetland buffer vegetation that would be disturbed by the proposed landscape modification.
- 2. The Director may administratively approve a modification of the landscaping requirements of this chapter if:
  - a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section; and

<u>Finding</u> – The applicant proposes an equivalent total landscape area with the combined 5-foot wide landscaping and 12-foot wide landscape areas. Type II landscaping would be implemented in the reduced, 5-foot wide area, in order to provide an equal level of landscape screening along the northerly property line.

A final Landscape Plan shall be submitted with the Clearing and Grading Permit application. The final Landscape Plan shall include Type II landscaping in the perimeter landscape area along the north property boundary, where the width of the perimeter landscape area is less than 8 feet. **See Condition of Approval regarding Final Landscape Plan in Section X of this report.** 

 The proposed landscaping complies with the stated purpose of this section (subsection A), and with the purpose and intent of paragraphs F.1 and G of this section; and

<u>Finding</u> - The proposed landscaping complies with the stated purpose of this section (subsection A), and with the purpose and intent of paragraph F.1 and G of this section:

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#### A. Purpose.

Landscape development, including retention of significant trees, as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the City, to preserve the natural wooded character of the Pacific Northwest, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the City.

Retention of significant trees is proposed to meet the purpose of this section as stated above. Only 1 significant tree in the perimeter landscape area is proposed to be removed due to the unhealthy tree condition, as recommended by the project arborist (Greenforest Incorporated, August 12, 2020). The proposed landscaping will provide tree and shrub plantings to mitigate for the removed, diseased tree and to meet the purpose of the tree retention requirements.

- c. If a modification of any paragraph excluding subsection E of this section is requested, the proposed landscaping either:
  - i. Incorporates the increased retention of significant trees and naturally occurring undergrowth; or

<u>Finding</u> – As discussed above, there is only one (1) existing significant tree in the perimeter landscape area along the north property boundary and the project arborist has recommended removal of this unhealthy, diseased tree.

The perimeter landscape area will be fully landscaped with trees and shrubs consistent with the Type II and Type III planting standards.

Overall, the site is providing 94% significant tree retention, retaining 27 of the 29 existing significant trees on the site, exceeding the code standard for 30% tree retention on the site.

ii. Better accommodates or improves the existing physical conditions of the subject property; or

<u>Finding</u> - The modified, reduced width of a portion of the perimeter landscape area is necessary to accommodate the proposed development, which as a reasonable use exception is limited to 10% of the site area. The proposed Type II landscaping will provide enhanced, visual separation from the property to the north where currently there is no vegetated screening.

iii. Incorporates elements to provide for wind protection or to maintain solar access; or

<u>Finding</u> - The proposed Type II and Type III landscaping will provide for wind protection as anticipated for landscaping within the required perimeter buffer.

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iv. Incorporates elements to protect or improve water quality; or

<u>Finding</u> - The proposed perimeter landscaping would add landscape vegetation and organic soil amendments to an existing unvegetated area; these elements would protect and improve water quality.

v. Incorporates native species in a design that better buffers a critical area and critical area buffer from uses on the site, including parking.

<u>Finding</u> - The landscape perimeter along the north property boundary is separated from the site's wetland area by the proposed development and therefore incorporating native plant species would provide minimal functional benefit to the wetland critical area. The proposal includes significant plantings of native tree and shrub species within the wetland and stream buffer directly adjacent to the south of the developable area.

Planting standards limit deciduous trees to 30% of the total tree planting for Type II landscaping and to 50% for Type III landscaping (LUC 20.20.520.G). The evergreen trees required to be planted in the perimeter landscape area along the north property boundary shall be native tree species. **See Condition of Approval regarding Native Evergreen Trees Required in North Perimeter Landscape Area in Section X of this report.** 

- d. If a modification of subsection E of this section is requested, the proposal either:
  - i. Incorporates the retention of significant trees equal in number to what would otherwise be required, or
  - ii. Incorporates the retention of other natural vegetation in consolidated locations which promotes the natural vegetated character of the site.

<u>Finding:</u> A modification of subsection E (interior Tree Retention requirements) is not proposed. The project would retain 94% of existing significant trees on the site, retaining 27 of the 29 significant trees. Only one (1) diseased tree is proposed to be removed from the required perimeter landscape area, as recommended by the project arborist.

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#### **B.** Critical Area Performance Standards

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The following sections of the Land Use Code apply to the proposal.

# i. Consistency with LUC 20.25H.080.A – Performance Standards – Streams and LUC 20.25H.100 – Performance Standards – Wetlands

The Performance Standards for Streams and Wetlands are the same and therefore are addressed together in the section below:

#### 1. Lights shall be directed away from the stream/wetland.

<u>Response:</u> The development area will be surrounded by dense wetland buffer plantings which would filter and screen light impacts on the adjacent wetland area and stream buffer.

To minimize light impacts on the wetland/wetland buffer and stream, all exterior lights shall be directed away from the critical areas/buffers. Lighting fixture shields shall be added to all exterior lights to prevent spillover light levels outside of the development area. See Condition of Approval regarding Lighting in Section X of this report.

2. Activity that generates noise such as parking lots, generators, and residential uses, shall be located away from the stream/wetland, or any noise shall be minimized through use of design and insulation techniques.

<u>Response:</u> No parking is proposed adjacent to the wetland area. The proposed buffer enhancement would create a dense vegetation barrier around the periphery of the development area, which would reduce noise impacts on the wetland and wetland/ stream buffer areas.

# 3. Toxic runoff from new impervious area shall be routed away from the stream/wetland.

Response: All stormwater will be collected and treated before discharging into the wetland buffer. There will be no direct discharge of untreated stormwater into the wetland area or buffers. Stormwater discharge must maintain a minimum vegetated flowpath from the edge of the wetland in order to disperse stormwater through vegetation prior to reaching the wetland, as required in the Department of Ecology (DOE) and City-adopted stormwater manual. This standard shall be reviewed on construction permits. See Condition of Approval regarding Stormwater Discharge in Section X of this report.

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4. Treated water may be allowed to enter the stream/wetland critical area buffer.

<u>Response:</u> The proposed stormwater plan will discharge only treated stormwater into the wetland buffer. No untreated stormwater will be allowed to enter the wetland or wetland/stream buffers.

The Department of Ecology (DOE) Stormwater Manual includes requirements to address water quality and hydrology impacts to wetlands resulting from stormwater discharge (Minimum Requirement #8). Requirements include demonstrating that stormwater from impervious surface areas is treated prior to discharge, that predevelopment hydrology to the wetlands is maintained, and that alterations to the wetland hydrology would not substantially change the depth or duration of ponding or impact the existing wetland vegetation community. A Stormwater Report is required with construction permits and shall demonstrate the proposal meets the DOE Stormwater Manual requirements for wetland protection. See Condition of Approval regarding Wetland Protection – Stormwater Report in Section X of this report.

 The outer edge of the stream/wetland critical area buffer shall be planted with dense vegetation to limit pet or human use. Preference shall be given to native species.

<u>Response:</u> The outer edge of the wetland buffer adjacent to the development area is proposed to be planted with dense native plant specie vegetation to limit pet or human intrusion and use activity within the wetland/stream critical area buffers. Wetland buffer enhancement planting is also proposed along the entire site frontage on 102<sup>nd</sup> Ave SE. A split-rail fence and signage is also proposed around the development area and street frontage to limit pet or human use. <u>See Condition of Approval regarding</u> Final Mitigation Plan in Section X of this report.

 Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream/wetland critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices", now or as hereafter amended.

Response: The proposed mitigation plans include removal of existing invasive plant species (English ivy, Himalayan blackberry) as site preparation for the enhancement planting and to improve site conditions for existing native plants. Only herbicides approved for use in aquatic environments may be used within 150 feet of wetland areas or the stream. The use of herbicides, pesticides, insecticides and fertilizers during site preparation and maintenance of the critical area buffer enhancement planting, within 150 feet of the edge of the stream/wetland critical area buffers, shall be in accordance with the City of Bellevue's "Environmental Best Management Practices."

See Condition of Approval regarding Bellevue's "Environmental Best Management Practices" in Section X of this report.

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- ii. Consistency with Land Use Code 20.25H.205 Reasonable Use Exception Performance Standards.
- A. The structure shall be located on the site in order to minimize the impact on the critical area or critical area buffer, including modifying the non-critical area setbacks to the maximum extent allowed under LUC 20.25H.040;

Response: The proposed development is located in the northeast corner of the site, redeveloping and utilizing the site area where the existing residential development has already modified the critical area buffers. The proposed development area does not contain a native plant community and provides little or no critical area buffer functions. The proposal avoids direct wetland impacts and the reasonable use exception limits the development area to 10% of the total site area, which effectively limits the impacts to critical areas and buffers. The modifications to the critical area buffers are limited to the approved Site Plan in Attachment 1. There is no implied approval for future modifications or expansion of the development area that would result in additional impacts to critical areas or critical area buffers and structure setbacks. See Condition of Approval regarding Critical Area and Critical Area Buffer Modification Limitations in Section X of this report.

The front yard structure setback (non-critical area setback) from 102<sup>nd</sup> Ave SE has been reduced on the plans from the standard R-30 zone front yard structure setback of 20 feet to 10 feet, in order to minimize the critical area/buffer impacts, consistent with the intent in LUC 20.25H.040.

A minimum 5-foot side yard structure setback applies along the north site boundary. The proposed residential structures are setback approximately 15 feet from the north property boundary. The driveway access to the residences and perimeter landscape requirements prevent a further reduction to this side yard setback.

B. Ground floor access points on portions of the structure adjacent to undisturbed critical area or critical area buffer shall be limited to the minimum necessary to comply with the requirements of the International Building Code and International Fire Code, as adopted and amended by the City of Bellevue;

Response: The applicant has not provided architectural plans showing the ground floor access points of the proposed residences. The proposed site plan shows the parking and driveway access to the residences on the north side of the residential structures with the back of the residences facing toward the wetland and wetland/ stream buffer areas. On the back of the residences, there is a minimal distance around the structures (approximately 5 feet) to allow for building maintenance. There will be a split rail fence and signage constructed around the development area to limit residential access and encroachment into the adjacent critical areas/critical area buffers.

Ground floor access points shall be limited to the minimum necessary to comply with

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the requirements of the International Building Code and International Fire Code. This standard shall be reviewed on the Building Permits. See Condition of Approval regarding Ground Floor Access Points in Section X of this report.

C. Associated development, including access driveways and utility infrastructure, shall be located outside of the critical area or critical area buffer to the maximum extent technically feasible;

<u>Response:</u> The residential structures, driveway access, parking and utility infrastructure are all located within the 5,177 SF development area, the permanent disturbance area allowed under the reasonable use exception. This effectively limits the impacts to critical areas and buffers.

D. Areas of disturbance for associated development, including access and utility infrastructure, shall be consolidated to the maximum extent technically feasible;

<u>Response:</u> The residential structures, access, parking and utility infrastructure are all located and contained within the 5,177 SF development area, consolidating the permanent area of disturbance to the maximum extent feasible.

Construction limits of disturbance, consistent with the approved plans, shall be shown on the Clearing & Grading permit and the limits shall be clearly delineated in the field prior to construction. There shall be no site disturbance outside the identified temporary disturbance construction limits, except for the mitigation planting. <a href="See Condition of Approval regarding Construction Limits of Disturbance in Section X of this report.">See Condition of Approval regarding Construction Limits of Disturbance in Section X of this report.</a>

E. All areas of temporary disturbance associated with utility installation, construction staging and other development shall be determined by the Director and delineated in the field prior to construction and temporary disturbance shall be restored pursuant to a restoration plan meeting the requirements of LUC 20.25H.210;

Response: The plans and current site design do not indicate areas of temporary disturbance or temporary construction impacts outside of the permanent disturbance area. The wetland boundary is approximately 2.4 to 5.5 feet to the south of the development area and therefore temporary construction impacts to the south of the development area could result in direct wetland impacts that are not an anticipated impact of the project. If temporary impacts are necessary for construction of the project, the impacts shall avoid encroachment into the designated wetland. The mitigation plans show wetland buffer enhancement plantings completely surrounding the development area, so this area would be fully restored if impacted by construction activity. Temporary construction impacts in other areas of the site shall also be fully restored with appropriate native plantings.

A Clearing & Grading permit is required to show the limits of disturbance and the areas

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of temporary construction impacts outside of the permanent development area. Temporary construction impacts shall avoid encroachment into the designated wetland. The final mitigation plans shall show full restoration with appropriate native plantings of areas that will be temporarily impacted by construction. See Condition of Approval regarding Restoration of Areas of Temporary Construction Disturbance in Section X of this report.

Trees identified to be retained and trees outside of the designated construction limits shall be protected from construction impacts. The Clearing & Grading permit submittal shall include the tree protection measures and tree protection fencing shall be installed prior to construction. See Condition of Approval regarding Tree Protection in Section X of this report.

F. Areas of permanent disturbance shall be mitigated to the maximum extent feasible on site pursuant to a mitigation plan meeting the requirements of LUC 20.25H.210; and

<u>Response:</u> The proposal adequately mitigates for the permanent wetland and stream buffer impacts and the mitigation plans meet the requirements of LUC 20.25H.210.

A Final Critical Areas Mitigation Plan is required to be submitted and approved with the construction permit applications. The Final Critical Areas Mitigation Plan shall be consistent with the approved conceptual mitigation plans (Attachment 2). The Final Critical Areas Mitigation Plan shall show planting locations, plant species, plant quantities and size of plant material. The Final Critical Areas Mitigation Plan shall include performance standards to measure the successful establishment of the mitigation plantings. A maintenance and monitoring surety is required to ensure the mitigation planting will be maintained and monitored for five years. Annual maintenance and monitoring reports are required to assess if required performance standards are being met. See Conditions of Approval regarding a Final Mitigation Plan, Final Mitigation Plan Performance Standards, Maintenance and Monitoring Surety, and Annual Maintenance and Monitoring Reports, in Section X of this report.

G. Fencing, signage and/or additional buffer plantings should be incorporated into the site development in order to prevent long-term disturbance within the critical area or critical area buffer. (Ord. 6417, 5-21-18, § 45; Ord. 5680, 6-26-06, § 3)

<u>Response:</u> The proposal includes split-rail fencing and signage around the site development area and along the site's 102<sup>nd</sup> Ave SE street frontage to prevent long-term disturbance and encroachment into the critical area buffers. The proposal also includes dense buffer plantings surrounding the development area and along the street frontage to prevent disturbance into critical areas/buffers. <u>See Condition of Approval regarding Fencing and Signage in Section X of this report.</u>

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The approved site plan shall be recorded with the King County Division of Records and Elections. The site plan shall clearly delineate the approved development area from the protected critical areas/buffers. It shall include a statement that all future activity within the identified critical areas and critical area buffers shall comply with the provisions of the City's Critical Areas Overlay District, Part 20.25H of the Land Use Code. The applicant shall provide a copy of the recorded site plan prior to issuance of any Certificate of Occupancy. See Condition of Approval regarding Site Plan Recording in Section X of this report.

Post-construction and after the 5-year monitoring/maintenance period required for the establishment of the mitigation planting, the residents and Homeowner's Association will have responsibility for the long-term, on-going maintenance and management of the commonly-held critical areas and critical area buffers.

A Vegetation Management Plan shall be submitted and approved prior to the final approval of construction permits. The Vegetation Management Plan is intended to guide future residents on the long-term maintenance of the wetland and stream critical areas and associated buffers. The Vegetation Management Plan shall include guidance on removal of invasive plants, replanting, removal of debris and other information to ensure the critical areas/buffers are maintained in perpetuity to protect critical area functions.

The Vegetation Management Plan shall reference that the removal or alteration of vegetation within critical areas and critical area buffers shall be in accordance with the performance standards set forth in LUC 20.25H.055.

The Vegetation Management Plan shall include that the use of herbicides, pesticides, insecticides and fertilizers to maintain commonly-held critical areas and critical area buffers outside the development area and within 150 feet of the edge of the stream/ wetland critical area buffers shall be in accordance with the City of Bellevue's "Environmental Best Management Practices."

The Vegetation Management Plan shall be included in the Declaration of Covenants, Conditions, and Restrictions (CC & Rs), and recorded as a legal document to run with the land.

See Condition of Approval regarding Vegetation Management Plan and Bellevue's "Environmental Best Management Practices" in Section X of this report.

# iii. Consistency with Land Use Code Article VIII of LUC 20.25H - Habitat Associated with Species of Local Importance

The Critical Areas Overlay District designates twenty-three (23) wildlife species of local importance and requires a habitat assessment to evaluate the site for the potential presence of the designated species of local importance or the habitat associated with species of local importance, and to include an assessment of potential project impacts

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to the use of the site by the species.

The Critical Areas Report (Altmann Oliver Associates, December 17, 2019) includes a habitat assessment identifying the potential presence and site utilization by the designated 23 species of local importance. The habitat assessment concluded that there are no nests or roosts for listed bird species and no primary association with onsite habitat. There is potential use of the site by listed bird species (Great Blue Heron, Green Heron, Bald Eagle, Pileated Woodpecker, Red-tailed Hawk) for perching and foraging. The report concludes that there are no project impacts to Meydenbauer Creek or to Wetland A and that the proposed development is concentrated in the site area of the existing residence so no significant native plant communities would be removed or impacted by the proposal. Therefore, no project impacts to designated species of local importance are anticipated.

# IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application disclosed expected environmental impacts associated with the project. The permit submittal demonstrates adequate mitigation for the project impacts and no additional mitigation measures are necessary to mitigate for environmental impacts associated with the proposal.

City codes and requirements, including the Land Use Code, Noise Ordinance, Building Code and other construction codes will adequately mitigate expected environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

# **Transportation**

#### **Long Term Impacts and Mitigation**

The City has prepared a traffic forecasting model for the 2030 horizon year to assess cumulative impacts that may result from growth and development during that period. This modeling analysis is based on a projected land use scenario and improvements to the transportation system that would occur during this time period.

Under the level of service standard detailed in the Transportation Code, the City is divided into 14 Mobility Management Areas (MMAs), each with an area average standard and a congestion management standard. The traffic modeling shows that all of the MMAs would meet both standards. This project proposes to add a net increase of 2 multifamily units in MMA 7. This level of development is within the assumptions of the City's traffic modeling and does not require additional mitigation.

In addition, traffic impact fees are used by the City to fund street improvement projects to alleviate traffic congestion caused by the cumulative impacts of development throughout the City. Payment of the transportation impact fee, as required by Chapter 22.16 BCC,

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contributes to the financing of transportation improvement projects in the current adopted Transportation Facilities Plan, and is considered to be adequate mitigation of long-term traffic impacts. Fee payment is required at the time of building permit issuance. Impact fees are subject to change and the fee schedule in effect at the time of building permit issuance will apply.

# <u>See Condition of Approval regarding Transportation Impact Fee in Section X of this report.</u>

# **Mid-Range Impacts and Mitigation**

Project impacts anticipated to occur in the next six years are assessed through a concurrency analysis. The Traffic Standards Code (BCC 14.10) requires that development proposals generating 30 or more new p.m. peak hour trips undergo a traffic impact analysis to determine if the concurrency requirements of the State Growth Management Act are maintained.

The Meydenbauer Meadows project proposes 2 net new multi-family units. This development will generate less than 1 net new p.m. peak hour trip and, therefore, will not trigger concurrency requirements.

#### **Short Term Operational Impacts and Mitigation**

City staff analyzed the short-term operational impacts of this proposal in order to recommend mitigation if necessary. These impacts included traffic operations conditions during the a.m. and p.m. peak hours. Issues that were analyzed included sight distance, garbage and delivery loading, and driveway operation on 102<sup>nd</sup> Avenue SE. The required frontage improvements on 102<sup>nd</sup> Avenue SE will provide the necessary mitigation for vehicles and pedestrians associated with the project.

#### V. CHANGES TO PROPOSAL DUE TO STAFF REVIEW

A Variance application (19-131725-LS) from the critical areas density calculation was initially submitted with the Critical Areas Land Use permit application and public notice for both permits was sent on January 30, 2020. The variance request was to allow for three (3) residential dwelling units instead of one (1) dwelling unit calculated. The density calculation for the site was reassessed and it was determined that a maximum of two (2) dwelling units would be permitted, see density calculation in Section III of this report. The applicant withdrew the variance for residential density. The proposal was re-submitted on August 18, 2020 with two (2) detached residential dwelling units.

The original plan submittal showed the Meydenbauer Creek stream buffer measured from the ordinary high water mark (OHWM) or top of the streambank. However, the code requires the stream buffer to be measured from the "top-of-bank," which is defined as the edge of the active floodplain (LUC 20.50.038) and corresponds to the 10-year floodplain elevation. The applicant submitted a revised site plan and critical areas plans to correctly depict the extent of the Meydenbauer Creek stream buffer on the site.

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The revised boundary and extent of the Meydenbauer Creek stream buffer on the site necessitated a new variance application from the lot coverage zoning standard. The R-30 zone allows for a maximum 35% lot coverage by structures. However, lot coverage by structures is calculated by subtracting critical areas and the stream buffer area from the total site area. With the stream buffer revised to meet the "top-of-bank" definition and thereby encumbering most of the site, a new variance application (20-119809-LS) was submitted to allow for an increase to the maximum 35% lot coverage by structures zoning standard. A new public notice for this variance application was issued on October 29, 2020.

The applicant revised the wetland/stream buffer mitigation and enhancement plans to add native tree and shrub planting adjacent to Meydenbauer Creek, to provide riparian buffer enhancement directly adjacent to Meydenbauer Creek. The additional plantings will provide tree cover to improve wildlife functions, to provide shade for water temperature, to help control the invasive Reed Canarygrass within the wetland, and to support overall stream biological processes.

#### VI. SUMMARY OF TECHNICAL REVIEWS

# A. Clearing & Grading Review

The Clearing and Grading Division of the Development Services Department has reviewed the plans and materials submitted for this project and has approved the clearing and grading portion of this land use application. The future clearing and grading permit application for this development must comply with conditions of approval for this permit and City of Bellevue Clearing and Grading Code (BCC 23.76). Refer to the Conditions of Approval regarding Construction Permits Required and Seasonal Clearing and Grading Restrictions in Section X of this report.

### B. Transportation Review

# Site Access and Loading

The project site is located on the west side of 102<sup>nd</sup> Avenue SE, between SE 3<sup>rd</sup> Street and SE 6<sup>th</sup> Street. In the vicinity of this project, 102<sup>nd</sup> Avenue SE is a two-lane public road classified as a local street. The project consists of one existing single-family lot. The existing lot has one existing single-family home which takes access from 102<sup>nd</sup> Avenue SE a 10-foot-wdie single-family driveway. There is an existing 5-foot-wide sidewalk with curb & gutter along the 102<sup>nd</sup> Avenue NE frontage. The site is bordered by multi-family developments to the west, north, and south.

Vehicular access to the proposed two-unit townhome project will be provided via one new joint use driveway connecting to the west side of  $102^{nd}$  Avenue SE, replacing the existing driveway. The joint use driveway approach must be a minimum of 16-feet-wide. Pedestrian access to the site will be provided via a widened 6-foot-wide public sidewalk along  $102^{nd}$  Avenue SE. No other access connection to city right-of-way is authorized.

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All garbage pickup and delivery vehicles must be able to operate on site or provide a loading plan acceptable to the city and Republic services. No backing into the Right-of-Way will be allowed. On-street vehicle loading in the Right-of-Way will not be allowed.

# <u>See Condition of Approval regarding Provisions for Loading in Section X of this report.</u>

# Street Frontage Improvements

The project site is located on the west side of 102<sup>nd</sup> Avenue SE, between SE 3<sup>rd</sup> Street and SE 6<sup>th</sup> Street. In the vicinity of this project, 102<sup>nd</sup> Avenue SE is a two-lane public road classified as a local street. This site has approximately 135 feet of street frontage along 102<sup>nd</sup> Avenue SE. There is an existing 5-foot-wide sidewalk with curb & gutter along the 102<sup>nd</sup> Avenue SE frontage. To meet Bellevue's current codes and standards, street frontage improvements are required.

Frontage improvements required by the developer include:

#### 102<sup>nd</sup> Avenue NE:

- 1. Installation of a minimum 6-foot-wide concrete sidewalk with new curb and gutter.
- 2. Pedestrian safety railing may be required behind the sidewalk if any warrants in standard drawing RS-100-1 are met.
- 3. Installation of a new 16-foot-wide private driveway approach per standard drawing SW-140-1.
- 4. Installation of a minimum joint use driveway serving the two units.
- 5. Minimum street lighting levels must be met per Bellevue standards.
- 6. Minimum sight distance standards must be met at the driveway approach.

# See Conditions of Approval regarding Civil Engineering Plans – Transportation, Building and Site Plans – Transportation and Street Frontage Improvements in Section X of this report.

1. The Americans with Disabilities Act (ADA) requires that sidewalk cross slopes not exceed two percent. The sidewalk cross slope may be less than two percent only if the sidewalk has a longitudinal slope sufficient to provide adequate drainage. Bellevue's standard for curb height is six inches, except where curb ramps are needed. The engineering plans must comply with these requirements, and must show adequate details, including spot elevations, to confirm compliance. New curb and sidewalk shall be constructed in compliance with these requirements. Building elevations shall be consistent with the required curb and sidewalk elevations. Spot elevations must be included in the building plans in a manner that proves that building elevations are designed to correspond to the sidewalk elevations shown in the engineering plans, especially at entrances and other key points. Curb and sidewalk elevations will not be revised to fit the building, and city inspectors may require spot surveys during construction in order to confirm the required elevations.

ADA also requires provision of a safe travel path for visually handicapped pedestrians. Potential tripping hazards are not allowed in the main pathway. Any planter boxes installed in the sidewalk to improve pedestrian sight distance at driveways must be

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designed to reduce the tripping potential and must not extend more than two feet into the public sidewalk. Traffic signal controller boxes and streetlight contactor cabinets must be located so as not to interfere with the main pedestrian path. Buildings shall be designed so that doors do not swing out into the pedestrian path. Installation of colored or textured bands to guide pedestrians in the direction of travel is advisable, subject to the requirements for non-standard sidewalk features. ADA-compliant curb ramps shall be installed where needed, consistent with City and WSDOT standard drawings. If such standards cannot be met, then deviation from standards must be justified on a Design Justification Form to be filed with the Transportation Department.

- To the extent feasible, no new utility vaults that serve only one development will be allowed within a public sidewalk. Vaults serving a broader public purpose may be located within a public sidewalk. To the extent feasible, no utility vaults may be located within the primary walking path in any sidewalk.
- Any awning, marquee, balcony, etc. over a sidewalk or utility easement must be at least 16 feet above the sidewalk or be removable (with an agreement regarding removal and replacement); and must have at least three feet horizontal clearance from any streetlight or traffic signal pole.
- 4. No fixed objects, including fire hydrants, trees, and streetlight poles, are allowed within ten feet of a driveway edge, defined as Point A in standard drawing SW-140-1 or equivalent. Fixed objects are defined as anything with breakaway characteristics greater than a four-inch by four-inch wooden post.
- 5. No new overhead utility lines will be allowed within or across any right of way or sidewalk easement, and existing overhead lines must be relocated underground.
- 6. The applicant is required to coordinate mailbox location with the Bellevue Postmaster and show the mailbox location on the engineering plans.

#### **Easements**

The applicant shall provide sidewalk and utility easements to the City as needed to encompass the full required width of any sidewalks located outside the city right of way fronting this site. Any negative impact that this development has on existing easements must be mitigated or easements relinquished.

<u>See Conditions of Approval regarding Existing Easements and Sidewalk/Utility Easements in Section X of this report.</u>

# **Use of the Right of Way During Construction**

Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses as well as for construction of utilities and street improvements. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including demolition permit. Sidewalks may not be closed except as specifically allowed by a Right of Way Use Permit.

<u>See Condition of Approval regarding Right-of-Way Use Permit in Section X of this report.</u>

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#### **Pavement Restoration**

The City of Bellevue has established the Trench Restoration Program to provide developers with guidance as to the extent of resurfacing required when a street has been damaged by trenching or other activities. Under the Trench Restoration Program, every street in the City of Bellevue has been examined and placed in one of three categories based on the street's condition and the period of time since it has last been resurfaced. These three categories are, "No Street Cuts Permitted," "Overlay Required," and "Standard Trench Restoration." Each category has different trench restoration requirements associated with it. Damage to the street can be mitigated by placing an asphalt overlay well beyond the limits of the trench walls to produce a more durable surface without the unsightly piecemeal look that often comes with small strip patching.

Near this project, 102<sup>nd</sup> Avenue SE has been classified as "Grind/Overlay Required." Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full-street (depending on the extent of street cuts or damage) grind and overlay will be required for a minimum of 50 feet.

# <u>See Condition of Approval regarding Pavement Restoration in Section X of this report.</u>

# C. Utilities Review

# Surface Water

The project will trigger minimum requirements #1-5. Minimum requirement #5 cannot be met as setback requirements for stormwater facilities are infeasible as well as infeasibility of infiltration. Minimum requirement #4 will be met by dispersing stormwater runoff to prevent any significant adverse impacts to downstream receiving water and downgradient properties.

#### Water

Water service will come off the public main in 102<sup>nd</sup> Ave SE. There is an existing <sup>3</sup>/<sub>4</sub>" water meter. A new water meter may be installed for the second unit.

# Sewer

There is an existing sewer stub off the public sewer main in 102<sup>nd</sup> Ave SE. In the proposed condition sewer will either be served via a joint use connection or a new stub to the second unit.

Utility standards will be reviewed with construction permit applications. **See Condition of Approval regarding Utilities Conceptual Approval in Section X of this report.** 

#### VII. PUBLIC NOTICE AND COMMENT

Application Date: December 23, 2019 - Critical Areas Land Use Permit

(19-131750-LO) and Variance Permit (19-131725-LS)

October 20, 2020 – Variance Permit (20-119809-LS)

Public Notice (500 feet): January 30, 2020 - Critical Areas Land Use Permit (19-

131750-LO) and Variance Permit (19-131725-LS)

October 29, 2020 – Variance Permit (20-119809-LS)

Minimum Comment Period: February 13, 2020 - Critical Areas Land Use Permit (19-

131750-LO) and Variance Permit (19-131725-LS)

November 12, 2020 – Variance Permit (20-119809-LS)

Public notice for the Critical Areas Land Use Permit (19-131750-LO) and Variance application (19-131725-LS) to increase the residential density was provided on January 30, 2020. The applicant subsequently withdrew the Variance application.

A new Variance application (20-11980-9-LS) to increase allowed lot coverage by structures was later submitted and public notice was re-issued for this Variance on October 29, 2020.

The Notices of Application were published in the City of Bellevue Weekly Permit Bulletin and Seattle Times and mailed to property owners within 500 feet of the project site.

Several email comments were received. The issues and responses are summarized below:

- Permit approval conditions for the development directly south of the subject site (address 515 102<sup>nd</sup> Ave SE) required limiting development on the subject property.
  - <u>Response</u> The development to the south of the site, "Tulum Downs," was approved under permit 98-2516-LD. There were no conditions of approval regarding limitations on developing the subject site.
- Concerns about alterations to Meydenbauer Creek, increased flooding impacting adjacent properties.
  - <u>Response</u> The proposal would not alter or directly impact Meydenbauer Creek or restrict creek flows. The proposed development is outside of the 100-year and 10-year floodplain elevations and there would be no increase in base flood elevations. The proposal will be required to detain stormwater and discharge stormwater at the predevelopment rate. Therefore, stormwater generated by the proposal would not increase flooding onsite or onto adjacent properties.
- Increase in impervious surface area, stormwater and water quality impacts.
  - Response As noted above, the proposal will be required to detain stormwater and discharge it at the predevelopment rate to prevent additional flooding impacts. The

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stormwater system will include water quality treatment of runoff from new and replaced impervious surface area prior to discharge of the stormwater.

 Concerns about Variance application to increase the density from 2 to 3 residential units.

<u>Response</u> – The applicant withdrew this Variance application (19-131725-LS) and are meeting the residential density allowed under the density calculation for development in the Critical Areas Overlay District (LUC 20.25H.045).

Removal of wildlife habitat, impact on wildlife

Response – The proposed development is located in the site area which is already developed with a residence. Natural vegetation in this area has been altered and is currently low-functioning in terms of wildlife habitat. The proposal would have no impact on existing site vegetation outside the development area, which provides the most significant wildlife habitat on the site. The proposal includes stream/wetland buffer vegetation enhancement to mitigate for development impacts and the applicant has demonstrated that the proposed mitigation would improve critical area functions, including wildlife habitat functions.

Parking, no visitor parking provided.

<u>Response</u> – The proposal meets City parking requirements providing 2 parking spaces for each residence.

Building setback from 102<sup>nd</sup> Ave SE is too close to the street.

Response – The building setback has been reduced to 10 feet, as required by the code (LUC 20.25H.040), in order to minimize the critical area buffer impacts. The proposal will landscape the 10-foot setback (except for the driveway access), which will screen and soften views of the development.

 Landscape plan includes large trees adjacent to the development area, which may lead to future safety issues.

Response – The wetland/stream buffer mitigation planting is required mitigation for the development impacts. City standards require a dense planting of native-specie trees and shrubs to screen the development area from the critical areas and to create a barrier to prevent human and pet intrusion into the critical areas. The mitigation standards require tree, shrub and groundcover plantings to provide a diverse plant species and a multi-canopy vegetation community to best support wildlife habitat. The code allows for pruning and removal of trees that may eventually become a safety hazard and threat to the residential structures.

Erosion and sedimentation creating mud flats in Meydenbauer Bay.

<u>Response</u> – The mud flats and deposition in Meydenbauer Bay was caused by removal of beaver dams on Meydenbauer Creek, which resulted in temporary sediment plumes and deposition into Meydenbauer Bay.

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Beaver activity and damage.

<u>Response</u> – Beavers were trapped and removed from the area and the beaver dams dismantled. If future beaver activity threatens to damage existing infrastructure or buildings, they will be trapped and removed in accordance with City and agency standards.

#### VIII. DECISION CRITERIA

i. Land Use Code 20.30P.140 - Critical Areas Land Use Permit – Decision criteria. The Director may approve or approve with modifications an application for a critical areas land use permit if:

1. The proposal obtains all other permits required by the Land Use Code;

<u>Finding:</u> The proposal is required to obtain construction permits prior to the commencement of any clearing/grading or construction activity. <u>See Condition of Approval regarding Construction Permits Required in Section X of this report.</u>

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

**Finding:** The proposal utilizes best available design and development techniques by locating the allowed reasonable use development area in the northeast portion of the site, redeveloping in the location of the existing residence and where the wetland and stream buffer area has already been modified. The development area is limited to 10% of the total site area, which effectively limits impacts to critical areas/buffers.

During construction, an erosion control plan will be implemented to prevent sediment from entering the wetland. Silt fencing and tree protection will also be installed.

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and;

<u>Finding:</u> Section III above discusses how the proposal incorporates the applicable performance standards.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

**<u>Finding:</u>** Adequate public facilities and utilities are available to serve the site and the proposed development. Site improvements and right-of-way improvements

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will be required and reviewed with construction permits. Refer to the Condition of Approval regarding Construction Permits Required in Section X of this report.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and

**<u>Finding:</u>** The proposal includes a mitigation plan consistent with the requirements of LUC 20.25H.210. The critical area mitigation plans are included as Attachment 2.

A Final Mitigation Plan is required to be submitted and approved with the construction permit applications. The Final Mitigation Plan shall be consistent with the approved conceptual mitigation plans (Attachment 2). The Final Mitigation Plan shall show planting locations, plant species, plant quantities and size of plant material. The Final Mitigation Plan shall include performance standards to measure the successful establishment of the mitigation plantings. A maintenance and monitoring surety is required to ensure the mitigation planting will be maintained and monitored for five (5) years. Annual maintenance and monitoring reports are required to assess if required performance standards are being met. See Conditions of Approval regarding a Final Mitigation Plan, Final Mitigation Plan Performance Standards, Maintenance and Monitoring Surety, and Annual Maintenance and Monitoring Reports in Section X of this report.

6. The proposal complies with other applicable requirements of this code.

<u>Finding:</u> As discussed in this report, the proposal complies with other applicable requirements of the Land Use Code.

ii. Consistency with LUC 20.30G.140 - Variance Decision Criteria.

The Director may approve or approve with modifications an application for a variance from the provisions of the Land Use Code if:

 The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property

<u>Finding:</u> The variance will not constitute a grant of special privilege as it allows the property to achieve a reasonable use on the site. The lot coverage variance would allow for the residential structures (3,000 SF) within the limited development area (5,177 SF) to be scaled consistent with development surrounding the site.

The site is surrounded by multifamily residential development. The lot coverage variance is necessary to allow for development consistent with the surrounding properties and to maintain the character of this established neighborhood.

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2. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property

<u>Finding:</u> The lot coverage calculation excludes the wetland area and stream buffer area from the total site area and would limit the property to 1,829 square feet of lot coverage by structures. The proposal for 3,000 SF of lot coverage by structures is more consistent with the type and scale of development in the surrounding neighborhood. A variance is necessary to increase the allowable lot coverage by structures to provide the property with the same rights and privileges as other R-30 zoned properties in the vicinity.

3. The granting of the variance will not be materially detrimental to property or improvements in the immediate vicinity of the subject property

**Finding:** The granting of a variance from the lot coverage standard would not be materially detrimental to the property or to improvements in the immediate vicinity of the subject property. The proposal requires a reasonable use exception, effectively limiting the development area to 10% of the total site area. A lot coverage variance would not allow for expansion of the development area nor result in additional critical area/critical area buffer impacts on the site.

The majority of surrounding properties are large apartment buildings/complexes. The proposed increase in lot coverage would allow for a residential structure that is more compatible than detrimental to the existing character of the neighborhood.

The proposed site design minimizes impacts to existing surrounding uses by consolidating the vehicular access to one curb cut and providing a landscape buffer from the adjacent property to the north.

# 4. The variance is not inconsistent with the Comprehensive Plan

<u>Finding:</u> The Variance request is consistent with, and substantially implements, the Comprehensive Plan as follows:

- The increase in allowable lot coverage is consistent with the Land Use Vision
  of the Comprehensive Plan to focus growth in areas that have the infrastructure
  and services to support density.
- The increase in allowable lot coverage would result in no additional impact to critical areas/critical area buffers than permitted by the Reasonable Use Exception. This is consistent with the Introduction to the Land Use Element to 'protect environmentally sensitive areas and maintain the character of established neighborhoods', while at the same time meeting the additional housing needs of the community.

- Per the Comprehensive Plans 'Today's Conditions', future growth is largely limited to the redevelopment of existing areas. The project is to redevelop a single-family residence that has reached the end of its functional life. Approval of the variance will allow for a modest increase in lot coverage so that the future scale of construction on this site is consistent with the R-30 zoning while maintaining the character of the neighborhood.
- Per the Comprehensive Plans 'Tomorrow's Projections', the variance requests additional coverage for the site which has infrastructure and zoning in place to support growth within the planning time period.
- Additional lot coverage on this site, meets the 'Challenges and Opportunities'
  Integration of Land Use and Transportation by providing housing near the
  Downtown area. The proximity of shopping and transportation nearby
  encourages walking, biking, and transit use, reducing congestion on the streets
  and supporting vibrant and healthy communities.
- The additional lot coverage meets the Comprehensive Plan's Land Use Strategy as it:
  - Directs growth to an area designated for compact development with a full range of transportation options nearby;
  - Enhances the health and vitality of the existing neighborhood by providing additional housing that maintains the character of the neighborhood;
  - Provides development at a scale more consistent with the neighborhood while preserving critical areas; no impact to Meydenbauer Creek or Wetland A critical areas will result and no additional impacts to critical area buffers would occur other than those permitted under the Reasonable Use Exception.
  - The Comprehensive Plan, Land Use Plan Residential Areas includes the major objective to maintain the vitality, quality and character of Bellevue's neighborhoods. Approval of the lot coverage variance would ensure that infill development is added to the neighborhood in a manner which is compatible in use and scale with the existing neighborhood of multifamily units.
  - Success of the Land Use Plan includes directing growth to appropriate areas. Approval of the variance allows for a modest amount of additional lot coverage (1,171 SF) to provide housing at a scale more consistent with the surrounding multifamily apartment units, especially when considering that no critical area impact or additional buffer impact is proposed.

The site is located in the Southwest Bellevue subarea and designated as Multifamily High (MF-H) on the Comprehensive Plan map. The proposal is supported by the following Southwest Bellevue subarea goals and policies of the

Meydenbauer Meadows 19-131750-LO, 20-119809-LS 415 102<sup>nd</sup> Ave SE Page 31 of 41

#### Comprehensive Plan:

#### Land Use Goals:

- To provide for land use patterns and densities which minimize the conflict between zoning and existing land use.
- To maintain a variety of residential areas of different densities and housing types so that a wide range of housing opportunities will be available.

#### **Land Use Policies:**

• **S-SW-1.** Support the existing land use patterns and densities as shown on the land use Plan (Figure S-SSW.1) with the maintenance of capital facilities and services.

#### **Environmental Goals:**

- To retain and enhance existing vegetation on steep slopes, within wetland areas, and along stream corridors in order to control erosion, to minimize landslide/ earthquake hazard potential, and to protect the natural drainage systems.
- To enhance water quality and floodplain functions of Meydenbauer Creek, Mercer Slough, and other streams and wetlands.

#### **Environmental Policies:**

• **S-SW-13.** Retain significant vegetation during the site plan approval and construction process.

#### IX. CONCLUSION AND DECISION

After conducting the various administrative reviews associated with this proposal, including applicable City Code and standard compliance reviews, the Director of the Development Services Department does hereby **APPROVE WITH CONDITIONS** the Meydenbauer Meadows Critical Areas Land Use Permit and Variance.

This approval automatically expires and is void if the applicant fails to file for approval of the construction permits within one year of the effective date of approval unless the applicant files for an extension at least 30 days prior to the expiration and the extension is granted pursuant to LUC 20.45B.150 and 160.

Please also note that there is no revision process for an approved Critical Areas Land Use Permit. A new/revised Critical Areas Land Use Permit may be required if the approved site plan needs to be revised during construction permit review to meet City standards and requirements and required revisions result in an increase in critical area/critical area buffer impacts.

#### X. CONDITIONS OF APPROVAL:

The following conditions are imposed under authority referenced:

#### COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

The applicant shall comply with all applicable Bellevue City Codes, Standards, and Ordinances including but not limited to:

Applicable Codes, Standards & Ordinances	Contact Person		
Land Use Code – BCC Title 20	Peter Rosen,	(425) 452-5210	
Transportation Develop. Code – BCC 14.60	lan Nisbet,	(425) 452-4851	
Right-of-Way Use Code 14.30	lan Nisbet,	(425) 452-4851	
Utility Code – BCC Title 24	Mohamed Sambou,	(425) 452-4853	
Clearing & Grading Code – BCC 23.76	Janney Gwo,	(425) 452-6190	

#### A. GENERAL CONDITIONS

1. Construction Permits Required: Approval of this Critical Areas Land Use Permit does not constitute an approval of any construction permit. The proposal is required to obtain construction permits prior to the commencement of any clearing/grading or construction activity. Site improvements and right-of-way improvements will be required and reviewed with construction permits. Plans submitted as part of any permit application shall be consistent with the activity permitted under this approval. Conformance with all zoning requirements will be verified as part of the required Building Permit review.

Authority: Land Use Code 20.30P.140

Reviewer: Peter Rosen, Development Services Department

2. Critical Area and Critical Area Buffer Modification Limitations: The modifications to the critical area buffers approved in this report are limited to the approved Site Plan in Attachment 1. There is no implied approval for future modifications or expansion of any sort within the designated critical areas or critical area buffer/structure setback.

Authority: Land Use Code 20.25H.230; LUC 20.25H.055 Reviewer: Peter Rosen, Development Services Department

3. Utilities Conceptual Approval: Utility Department approval of the design review application is based on the final conceptual design submitted with this application. Final utility design and construction approval is not given under this permit. Small changes to the site layout may be required to accommodate the utilities after utility engineering is approved. The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities Department design review, plan approval, and field inspection is performed under the Storm Drainage Permit (UB). Water applications (UC) and sewer applications (UA) will be required for service.

Authority: BCC 24.02, 24.04, 24.06

Reviewer: Mohamed Sambou

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4. Provisions for Loading: The property owner shall provide an off-street loading space which can access a public street. This must include an off-street location for garbage pick-up, which must be acceptable to the garbage hauler. If this space cannot be accommodated on site, a garbage pickup plan acceptable to the city and Republic services must be provided.

Authority: LUC 20.20.590.K.4; BCC 14.60.180

Reviewer: Ian Nisbet (425) 452-4851

#### B. PRIOR TO ISSUANCE OF ANY CLEAR AND GRADE PERMIT

5. Seasonal Clearing and Grading Restrictions: The clearing & grading code defines the rainy season as October 1st through April 30th. The Development Services Department may grant approval to initiate or continue clearing or grading activity during the rainy season. Any approval will be based on site and project conditions, extent and quality of the erosion and sedimentation control, and the project's track record at controlling erosion and sedimentation.

Authority: Clearing & Grading Code 23.76

Reviewer: Janney Gwo, Development Services Department, Clearing & Grading

Section

# 6. Right-of-Way Use Permit:

Prior to issuance of any construction or clearing and grading permit, the applicant shall secure applicable right-of-way use permits from the City's Transportation Department, which may include:

- a) Designated truck hauling routes.
- b) Truck loading/unloading activities.
- c) Location of construction fences.
- d) Hours of construction and hauling.
- e) Requirements for leasing of right of way or pedestrian easements.
- f) Provisions for street sweeping, excavation and construction.
- g) Location of construction signing and pedestrian detour routes.
- h) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevent access. General materials storage and contractor convenience are not reasons for preventing access.

The applicant shall secure sufficient off-street parking for construction workers before the issuance of a clearing and grading, building, a foundation or demolition permit.

Authority: BCC 11.70 & 14.30

Reviewer: Mazen Wallaia (425) 452-6988

Meydenbauer Meadows 19-131750-LO, 20-119809-LS 415 102<sup>nd</sup> Ave SE Page 34 of 41

# 7. Civil Engineering Plans – Transportation:

Civil engineering plans produced by a qualified engineer must be approved by the Transportation Department prior to issuance of the clearing and grading permit. The design of all street frontage improvements and driveway accesses must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code, the provisions of the Transportation Department Design Manual, and specific requirements stated elsewhere in this document.

All relevant standard drawings from the Transportation Department Design Manual shall be copied exactly into the final engineering plans. Requirements for the engineering plans include, but are not limited to:

- a) Traffic signs and markings.
- b) Curb, gutter, sidewalk, and driveway approach design. The engineering plans shall be the controlling document on the design of these features; architectural and landscape plans must conform to the engineering plans as needed.
- c) Installation or relocation of streetlights and related equipment.
- d) Undergrounding of existing overhead utility lines, which should be coordinated with adjacent sites. Transformers and utility vaults to serve the building shall be placed inside the building or below grade, to the extent feasible.
- e) Sight distance. Show the required sight triangles and include any sight obstructions, including those off-site. Sight distance triangles must be shown at all driveway locations and must consider all fixed objects and mature landscape vegetation. Vertical as well as horizontal line of sight must be considered when checking for sight distance.
- f) Landings on sloping approaches are not to exceed a 10% slope for a distance of 20 feet behind the back edge of sidewalk. Driveway grade must be designed to prevent vehicles from bottoming out due to abrupt changes in grade.
- g) Location of fixed objects in the sidewalk or near the driveway approach.
- h) Trench restoration within any right of way or access easement.

Specific requirements are detailed below.

# 102<sup>nd</sup> Avenue NE:

- 1. Installation of a minimum 6-foot-wide concrete sidewalk with new curb and gutter.
- 2. Pedestrian safety railing may be required behind the sidewalk if any warrants in standard drawing RS-100-1 are met.
- 3. Installation of a new 16-foot-wide private driveway approach per standard drawing SW-140-1.
- 4. Installation of a minimum joint use driveway serving the two units.
- 5. Minimum street lighting levels must be met per Bellevue standards.
- 6. Minimum sight distance standards must be met at the driveway approach. Construction of all street and street frontage improvements must be completed prior to closing the clear and grade permit and right of way use permit for this project. A Design Justification Form must be provided to the Transportation Department for any aspect of any pedestrian route adjacent to or across any street that cannot feasibly

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be made to comply with ADA standards. Design Justification Forms must be provided prior to approval of the clear and grade plans for any deviations from standards that are known in advance. Forms provided in advance may need to be updated prior to project completion. For any deviations from standards that are not known in advance, Forms must be provided prior to project completion.

Authority: BCC 14.60; Transportation Department Design Manual; Americans with

Disabilities Act

Reviewer: Ian Nisbet (425) 452-4851

**8.** Construction Limits of Disturbance: Construction limits of disturbance, consistent with the approved plans, shall be shown on the Clearing & Grading permit and the limits shall be clearly delineated in the field prior to construction. There shall be no site disturbance outside the identified temporary disturbance construction limits, except for the mitigation planting.

Authority: Land Use Code 20.25H.205

Reviewer: Peter Rosen, Development Services Department

9. Restoration of Areas of Temporary Construction Disturbance: A Clearing & Grading permit is required to show the limits of disturbance and the areas of temporary construction impacts outside of the permanent development area. Temporary construction impacts shall avoid encroachment into the designated wetland. The final mitigation plans shall show full restoration with appropriate native plantings of the areas that will be temporarily impacted by construction.

Authority: LUC 20.25H.205

Reviewer: Peter Rosen, Development Services Department

**10. Tree Protection:** The Clearing and Grading permit submittal shall include the tree protection measures to protect existing, retained trees during construction activity. Tree protection fencing must be installed prior to construction.

Authority: Land Use Code 20.25H.205

Reviewer: Peter Rosen, Development Services Department

11. Final Mitigation Plan: A Final Mitigation Plan is required to be submitted and approved with a Clearing and Grading Permit. The Final Mitigation Plan shall be consistent with the approved conceptual Critical Areas Mitigation Plans. The Final Mitigation Plans shall show planting locations, plant species, plant quantities and size of plant material.

Authority: Land Use Code 20.25H.100, 20.25H.220

Reviewer: Peter Rosen, Development Services Department

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**12. Final Mitigation Plan Performance Standards:** The Final Mitigation Plan shall include performance standards to measure the successful establishment of the mitigation plantings. The following performance standards are acceptable and shall be included on the final mitigation plans:

**Year 1** (from date of plant installation)

- 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%
- Maximum 10% coverage of invasive plants in planting area

#### Year 2 (from date of plant installation)

- At least 90% survival of all installed material
- Maximum 10% coverage of invasive plants in planting area

#### Year 3, 4, & 5 (from date of plant installation)

- At least 85% survival of all installed material
- Maximum 10% coverage of invasive plants in planting area

Authority: Land Use Code 20.25H.220

Reviewer: Peter Rosen, Development Services Department

**13. Fencing and Signage:** The Final Mitigation Plan shall include a split-rail fence and critical area signage around the development area and the site's street frontage to limit pet or human encroachment into the critical areas/buffers.

Authority: Land Use Code 20.25H.100, 20.25H.220,

Reviewer: Peter Rosen, Development Services Department

14. Bellevue's "Environmental Best Management Practices": The use of herbicides, pesticides, insecticides and fertilizers during site preparation for the critical area buffer enhancement planting, within 150 feet of the edge of the stream/wetland critical area buffers, shall be in accordance with the City of Bellevue's "Environmental Best Management Practices." The Final Mitigation Plans shall include this information.

Authority: Land Use Code 20.25H.100

Reviewer: Peter Rosen, Development Services Department

15. Maintenance and Monitoring Surety: A financial surety is required to be submitted to ensure the mitigation planting successfully establishes. A monitoring/maintenance assurance device that is equal to 20% of the cost of plants, installation, and the cost of monitoring is required to be held for a period of five years from the date of successful installation. A cost estimate is required to be provided with the Clearing & Grading permit and the financial surety is required to be posted prior to issuance of the Clearing & Grading permit. Release of the surety after the 5-year monitoring period is contingent upon a final inspection of the planting by Land Use Staff that finds the

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maintenance and monitoring plan was successful and the mitigation meets performance standards.

Authority: Land Use Code 20.25H.220

Reviewer: Peter Rosen, Development Services Department

16. Annual Maintenance and Monitoring Reports: The mitigation planting is required to be maintained and monitored for five years to ensure the plants successfully establish. Annual monitoring reports are required to be submitted to document the plants are meeting approved performance standards. Photos from selected photo points shall be included in the monitoring reports to document the planting. Land Use inspection is required by Land Use staff to end the plant monitoring period.

Reporting shall be submitted no later than December 31<sup>st</sup> of each monitoring year and shall include a site plan and photos from photo points established at the time of Land Use inspection. Reports shall be submitted to Peter Rosen or Heidi Bedwell by the above listed date and can be emailed to <a href="mailto:prosen@bellevuewa.gov">prosen@bellevuewa.gov</a> or mailed directly to:

Environmental Planning Manager Development Services Department City of Bellevue PO Box 90012 Bellevue, WA 98009-9012

Authority: Land Use Code 20.30P.140; 20.25H.220

Reviewer: Peter Rosen, Development Services Department

17. Final Landscape Plan: A final Landscape Plan shall be submitted and reviewed as part of the Clearing and Grading Permit application for review by Land Use. The final Landscape Plan shall include Type II landscaping in the perimeter landscape area along the north property boundary, where the width of the landscaping area is less than 8 feet.

Authority: LUC 20.20.520.F; LUC 20.20.520.J; LUC 20.20.520.G Reviewer: Peter Rosen, Development Services Department

18. Native Evergreen Trees Required in North Perimeter Landscape Area: Planting standards limit deciduous trees to 30% of the total tree planting for Type II landscaping and to 50% for Type III landscaping. The evergreen trees required to be planted in the perimeter landscape area along the north property boundary shall be native tree species.

Authority: LUC 20.20.520.G

Reviewer: Peter Rosen, Development Services Department

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**19. Stormwater Discharge:** Stormwater discharge must maintain a minimum vegetated flowpath from the wetland, as required in the Department of Ecology and City- adopted stormwater manual. This standard will be reviewed on construction permits.

Authority: LUC 20.25H.100; DOE vol III 3.1.2

Reviewer: Mohamed Sambou, Utilities Review, Development Services Department

**20. Wetland Protection - Stormwater Report:** A Stormwater Report is required to demonstrate that predevelopment hydrology to the wetlands is maintained, and that alterations to the wetland hydrology would not substantially change the depth or duration of ponding or impact the existing wetland vegetation community.

Authority: LUC 20.25H.100; DOE Stormwater Manual, Minimum Requirement #8 Reviewer: Mohamed Sambou, Utilities Review, Development Services Department

#### C. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT

#### 21. Transportation Impact Fee:

Payment of the traffic impact fee will be required at the time of building permit issuance. If multiple building permits will be issued, the impact fee will be tied to the primary above-ground permit. Removal of existing buildings will be eligible for impact fee credit.

Authority: BCC 22.16

Reviewer: Ian Nisbet (425) 452-4851

### 22. Building and Site Plans – Transportation:

The building grade and elevations shall be consistent with the curb and sidewalk grade shown in the approved civil engineering plans. During construction, city inspectors may require additional survey work at any time in order to confirm proper elevations. Building plans, landscaping plans, and architectural site plans must accommodate onsite traffic markings and signs and driveway design as specified in the engineering plans. Building plans, landscaping plans, and architectural site plans must comply with vehicle and pedestrian sight distance requirements, as shown on the engineering plans.

Authority: BCC 14.60.060; 110; 120; 150; 180; 181; 190; 240; 241

Reviewer: Ian Nisbet (425) 452-4851

#### 23. Existing Easements:

Any utility easements contained on this site which are affected by this development must be identified. Any negative impact that this development has on those easements must be mitigated or easements relinquished.

Authority: BCC 14.60.100

Reviewer: Ian Nisbet (425) 452-4851

Meydenbauer Meadows 19-131750-LO, 20-119809-LS 415 102<sup>nd</sup> Ave SE Page 39 of 41

#### 24. Sidewalk/Utility Easements:

The applicant shall provide sidewalk and utility easements to the City such that sidewalks outside of the City right of way along the property frontage are located within a pedestrian easement area.

Authority: BCC 14.60.100

Reviewer: Ian Nisbet (425) 452-4851

**25. Building Height and Side Yard Setback:** A minimum 5-foot side yard structure setback applies along the north site boundary. If the height of the residential structures exceed 30 feet above average finished grade, a minimum 20-foot side yard setback is required. This setback requirement will be evaluated with the Building Permit submittal.

Authority: LUC 20.25H.040.B, Note 2

Reviewer: Peter Rosen, Development Services Department

**26. Ground Floor Access Points:** Ground floor access points shall be limited to the minimum necessary to comply with the requirements of the International Building Code and International Fire Code. This standard shall be reviewed on the Building Permits.

Authority: LUC 20.25H.205

Reviewer: Peter Rosen, Development Services Department

**27.Lighting:** Lighting fixture shields shall be added to all exterior lights to prevent direct illumination of adjacent critical area buffers.

To minimize light impacts on the wetlands, wetland and stream buffers, the applicant shall provide lighting fixture shield details on all exterior lights to prevent spillover light levels outside of the development area.

Authority: LUC 20.25H.080; LUC 20.25H.100

Reviewer: Peter Rosen, Development Services Department

#### D. PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY

28. Site Plan Recording: The approved site plan shall be recorded with the King County Division of Records and Elections. The site plan shall clearly delineate the approved development area from the protected critical areas/critical area buffers. It shall include a statement that all future activity within the identified critical areas and critical area buffers shall comply with the provisions of the City's Critical Areas Overlay District, Part 20.25H of the Land Use Code. The applicant shall provide a copy of the recorded site plan prior to issuance of any Certificate of Occupancy.

Authority: Land Use Code 20.25H.205

Reviewer: Peter Rosen, Development Services Department

# 29. Vegetation Management Plan and Bellevue's "Environmental Best Management Practices": A Vegetation Management Plan shall be submitted and approved prior to the final approval of construction permits. The Vegetation Management Plan is intended to guide future residents on the long-term maintenance of the wetland and stream critical areas and associated buffers. The Vegetation Management Plan shall

stream critical areas and associated buffers. The Vegetation Management Plan shall include guidance on removal of invasive plants, replanting, removal of debris and other information to ensure the critical areas/buffers are maintained to protect critical area

functions.

The Vegetation Management Plan shall reference that the removal or alteration of vegetation within critical areas and critical area buffers shall be in accordance with the performance standards set forth in LUC 20.25H.055.

The Vegetation Management Plan shall include that the use of herbicides, pesticides, insecticides and fertilizers to maintain commonly-held critical areas and critical area buffers outside the development area and within 150 feet of the edge of the stream/ wetland critical area buffers shall be in accordance with the City of Bellevue's "Environmental Best Management Practices."

The Vegetation Management Plan shall be included in the Declaration of Covenants, Conditions, and Restrictions (CC & Rs), and recorded as a legal document to run with the land.

Authority: LUC 20.25H.080; LUC 20.25H.100

Reviewer: Peter Rosen, Development Services Department

#### 30. Transportation and Street Frontage Improvements:

All street frontage improvements and other required transportation elements, including street lights and traffic signal revisions, must be constructed by the applicant and accepted by the Transportation Department inspector. All existing street lights and traffic signal apparatus affected by this development, including traffic controllers, pedestrian signal poles, traffic signal poles, and power sources, must be relocated as necessary. Existing overhead lines must be relocated underground. All required improvements must be constructed as per the approved plans or as per direction of the Transportation Department inspector. Bonding or other types of assurance devices will not be accepted in lieu of construction, unless the City requires a delay.

Authority: BCC 14.60; Comprehensive Plan Policy UT-39; Transportation

Department Design Manual Sections; and Transportation Department

Design Manual Standard Drawings.

Reviewer: Ian Nisbet (425) 452-4851

#### 31. Pavement Restoration:

Pavement restoration associated with street frontage improvements or to repair damaged street surfaces shall be provided as follows:

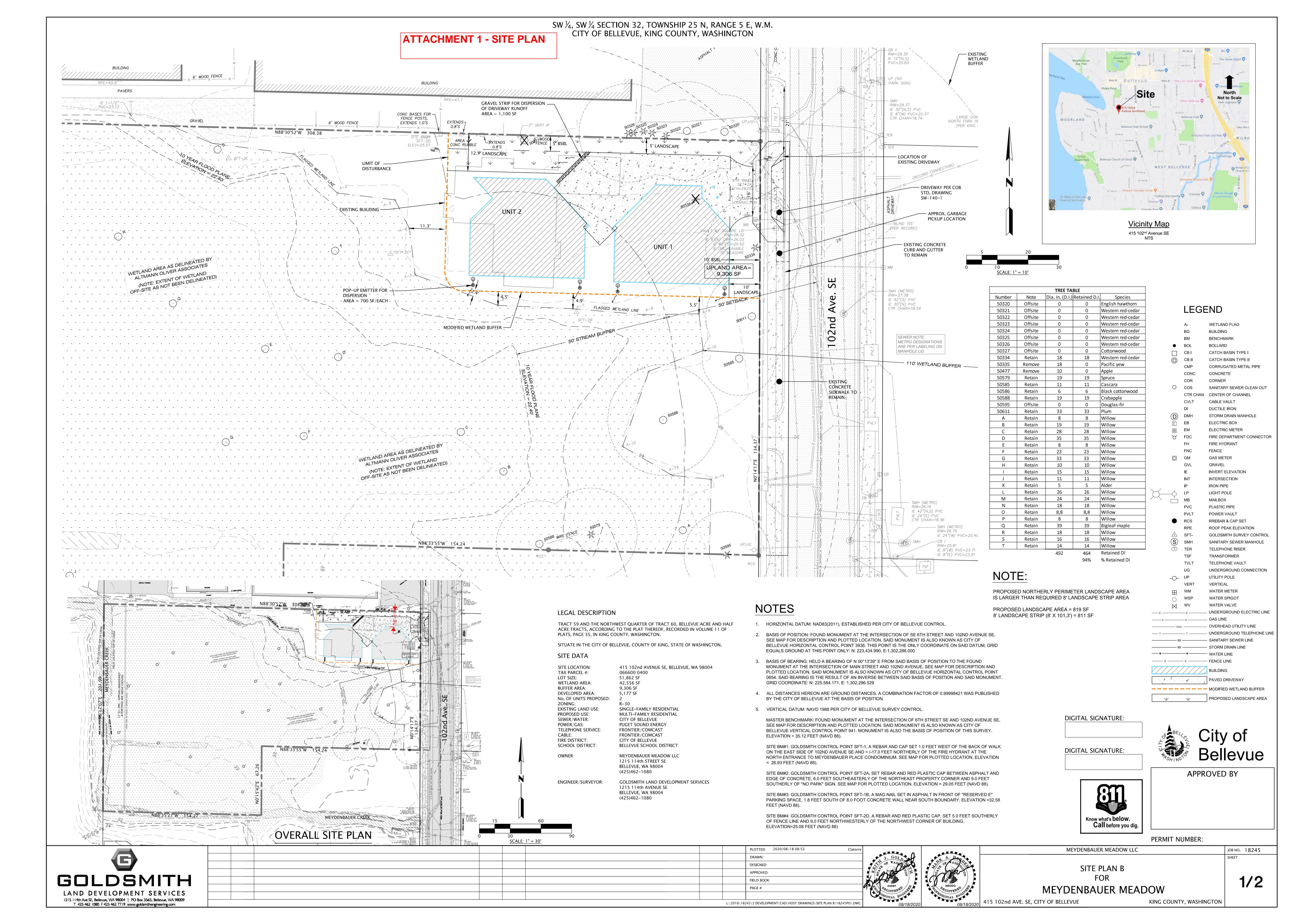
a) 102<sup>nd</sup> Avenue SE: Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full-street (depending on the

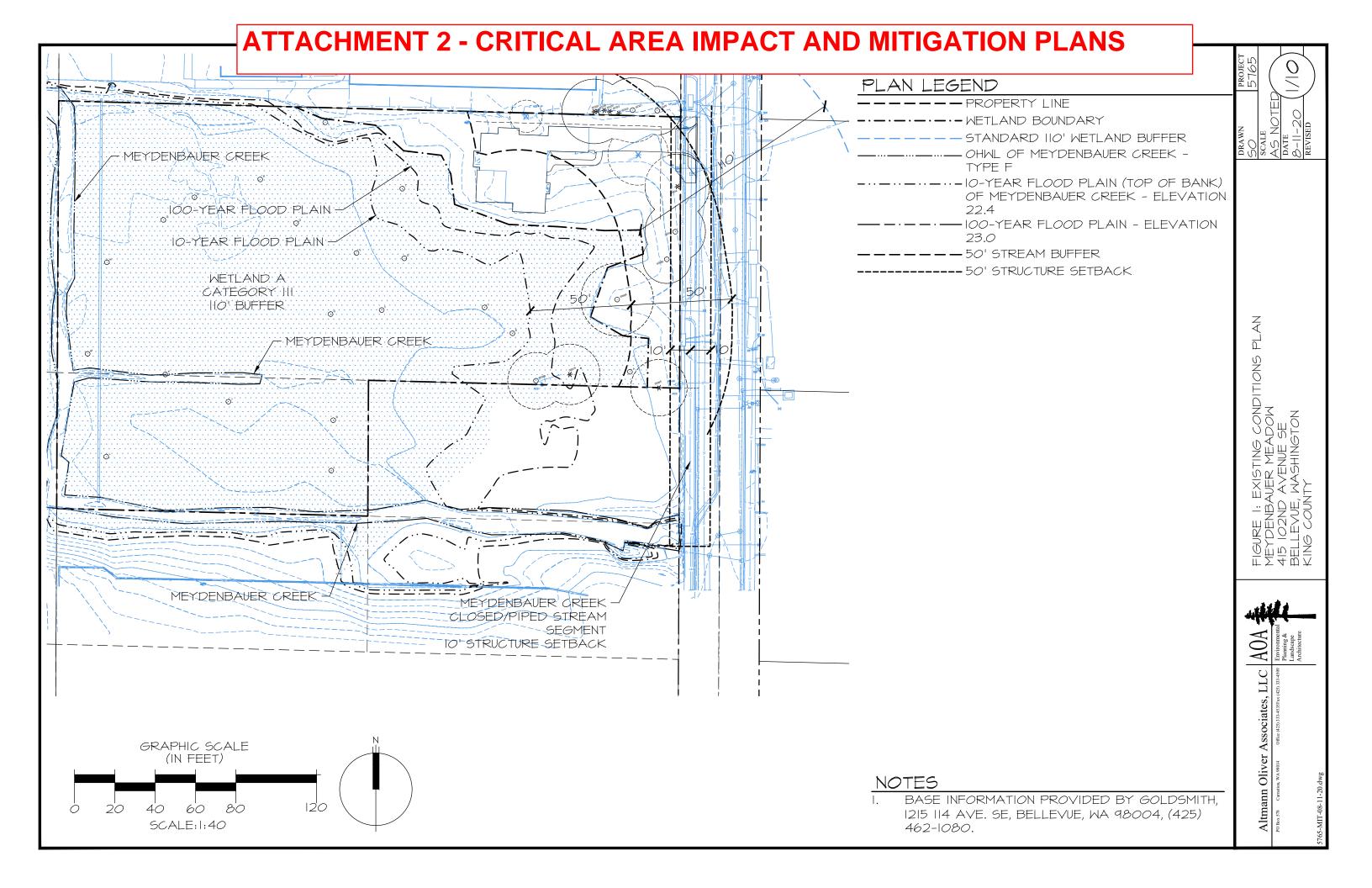
Meydenbauer Meadows 19-131750-LO, 20-119809-LS 415 102<sup>nd</sup> Ave SE Page 41 of 41

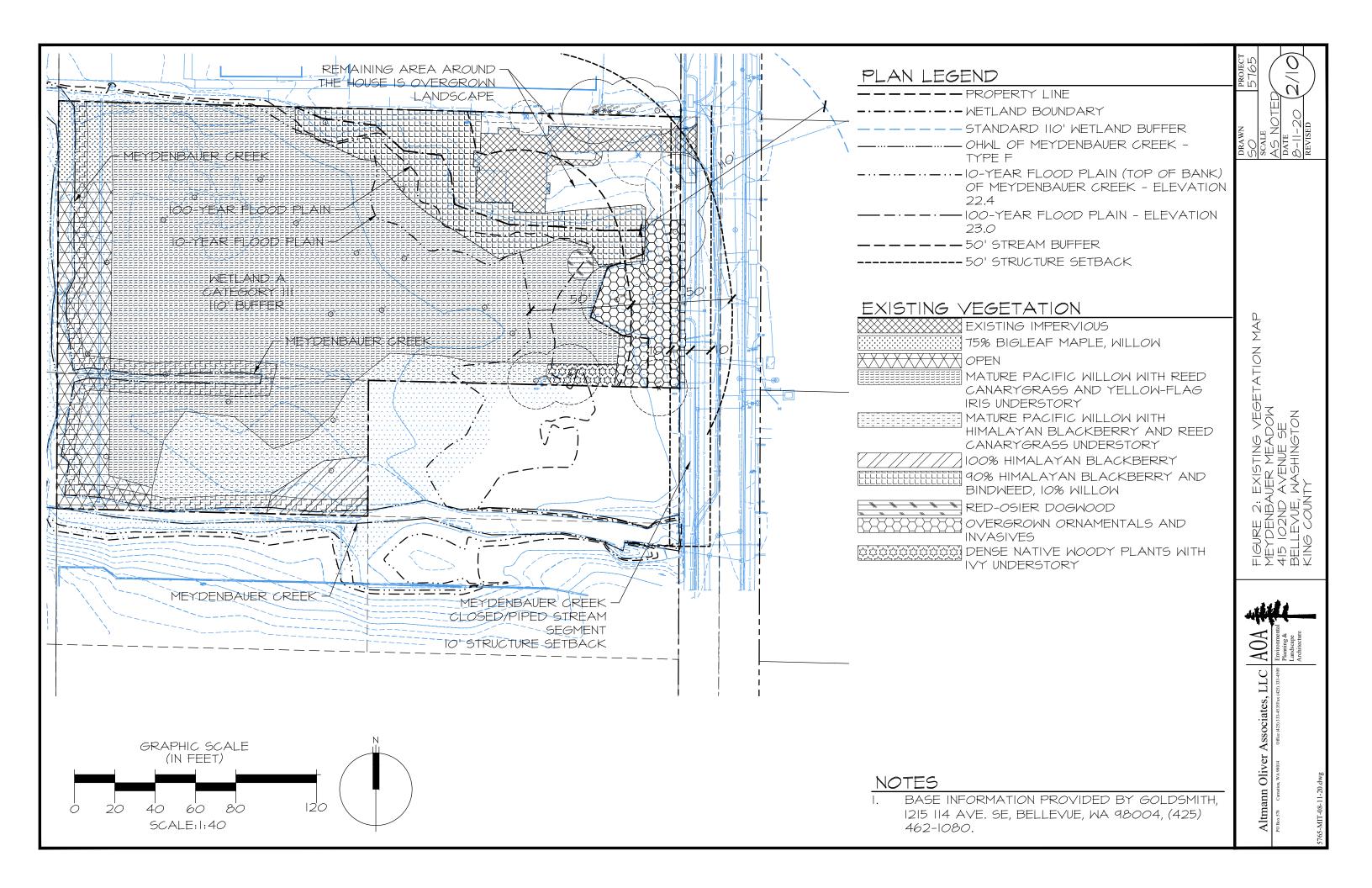
extent of street cuts or damage) grind and overlay will be required for a minimum of 50 feet.

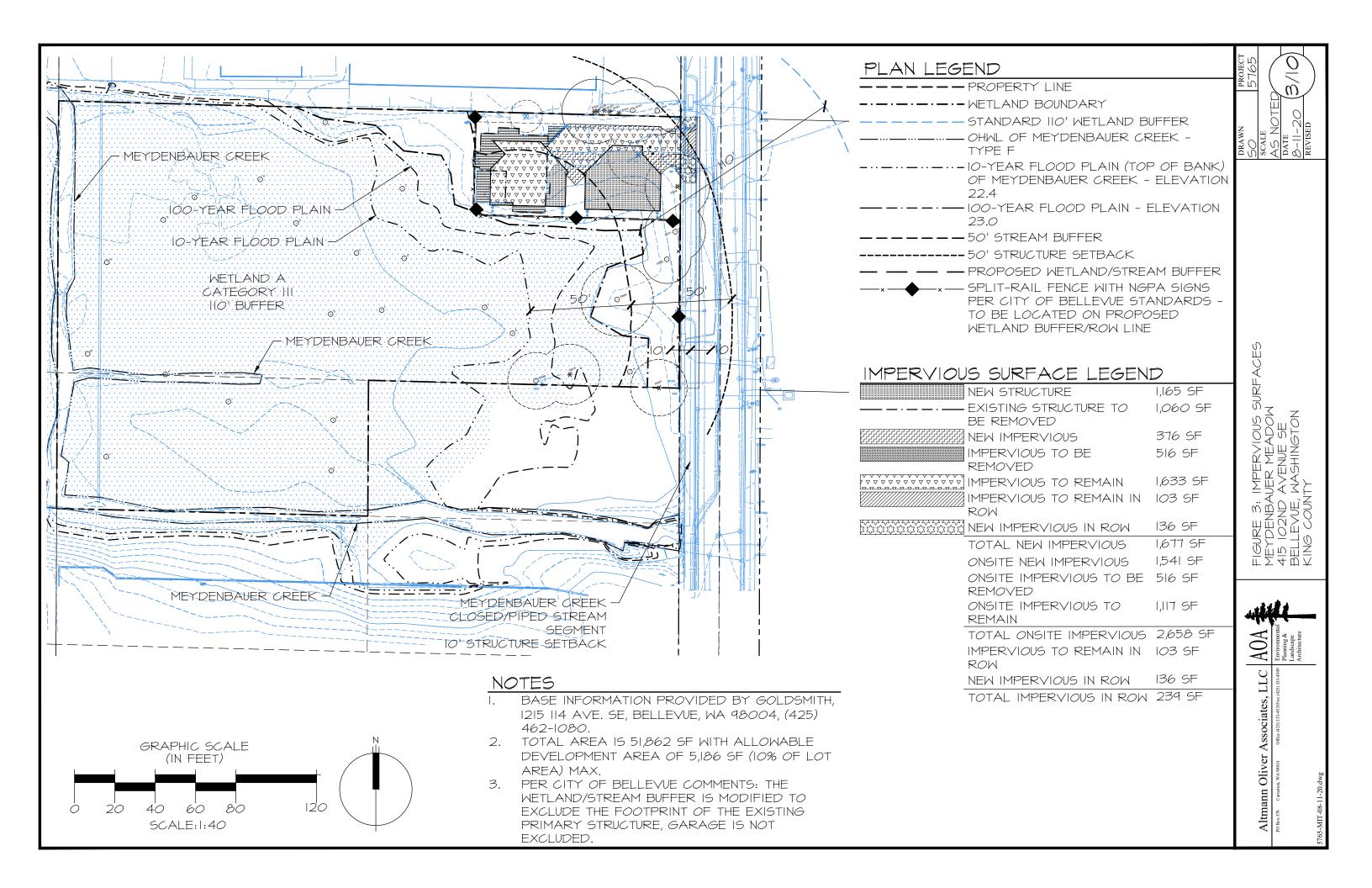
Authority: BCC 14.60. 250; Design Manual Design Standard #23

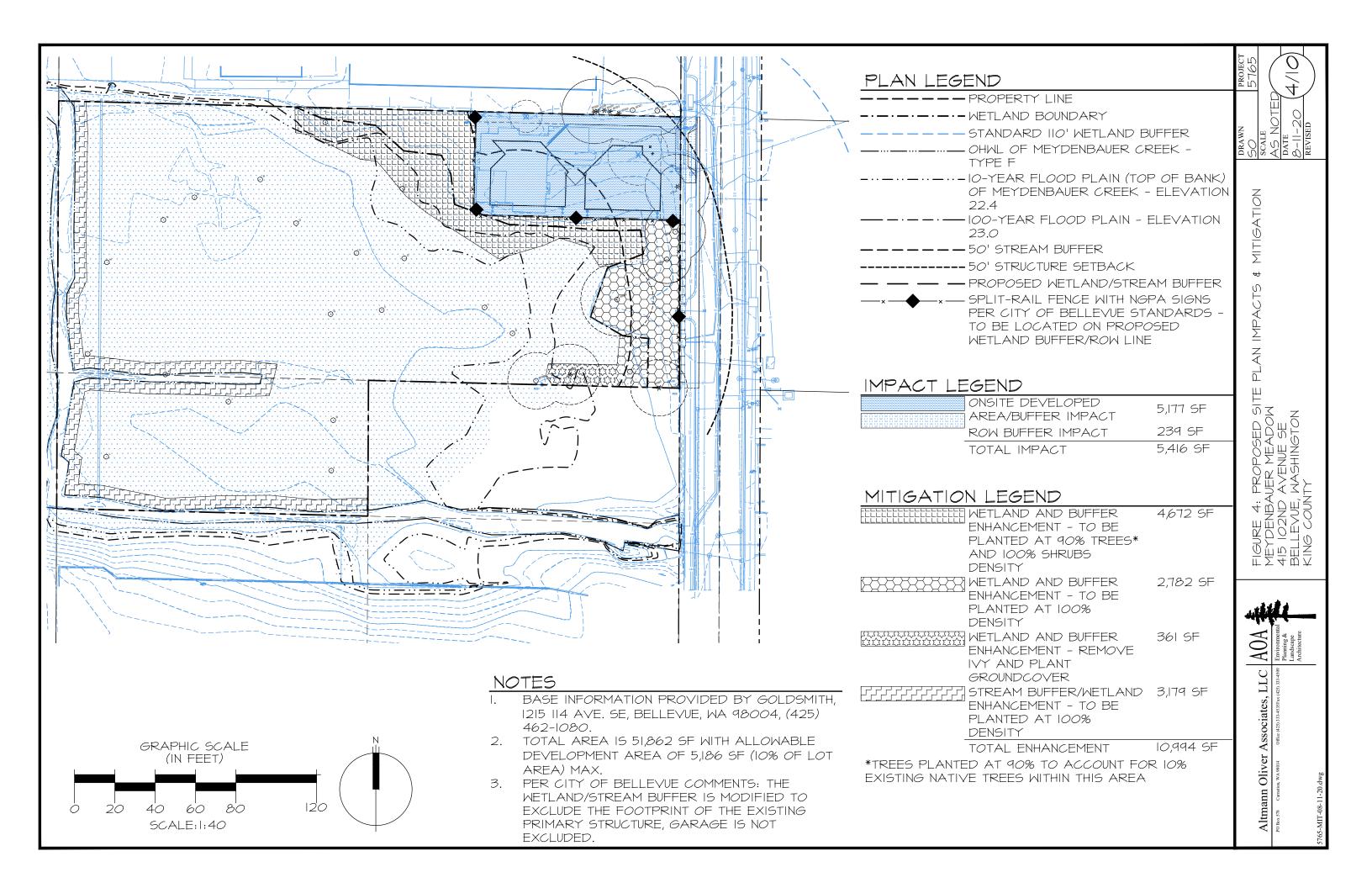
Reviewer: Mazen Wallaia (425) 452-6988

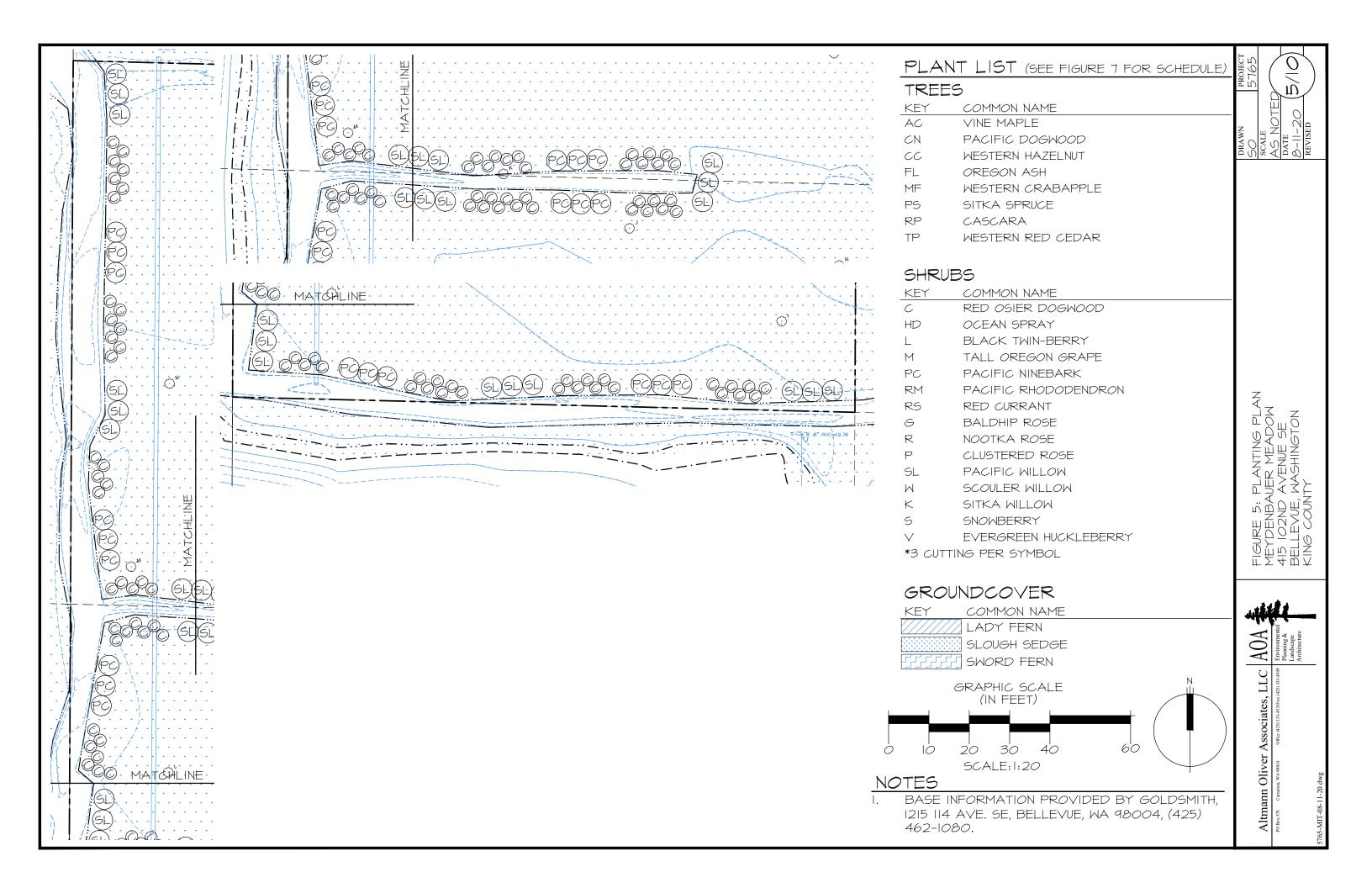


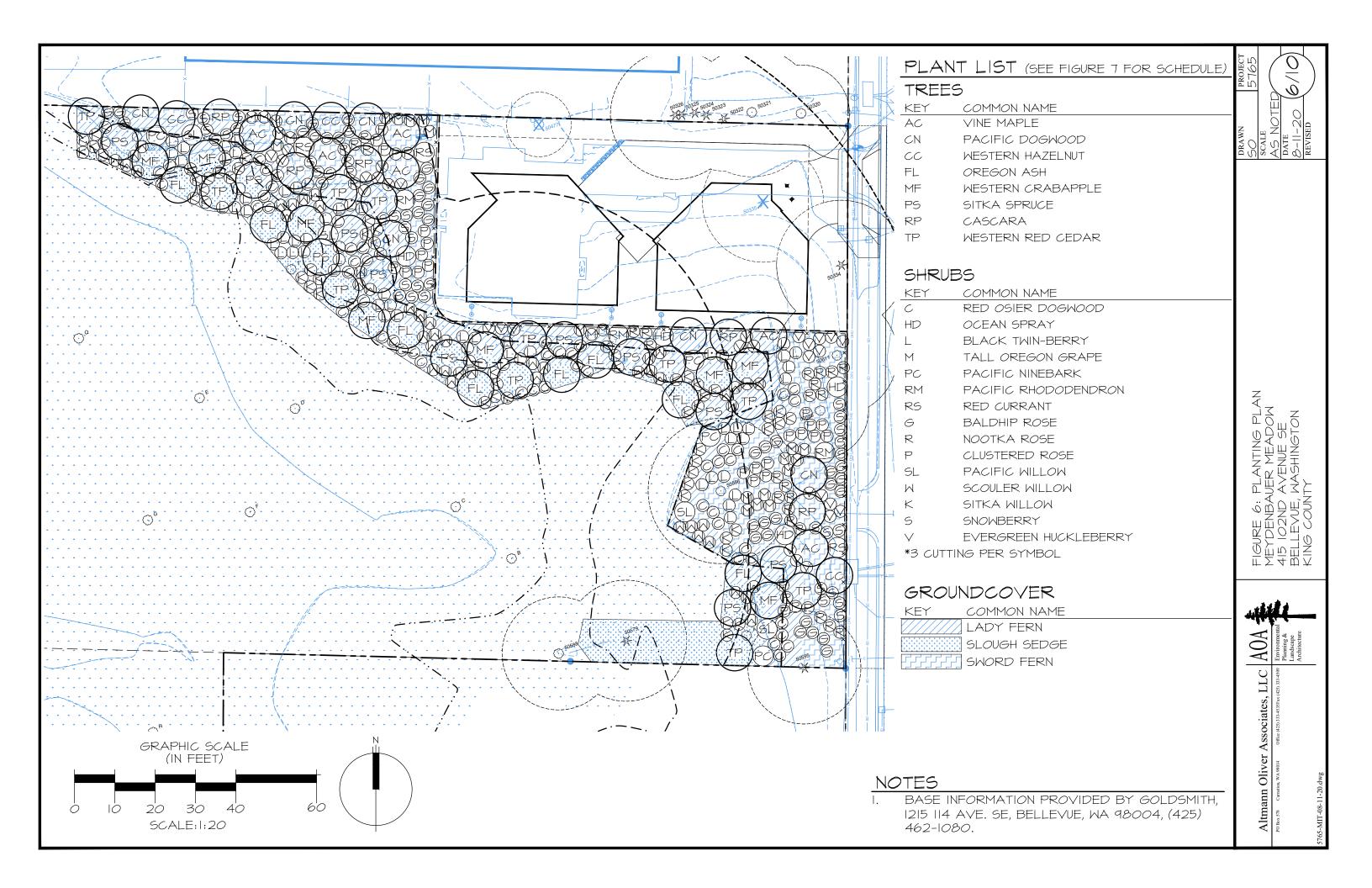










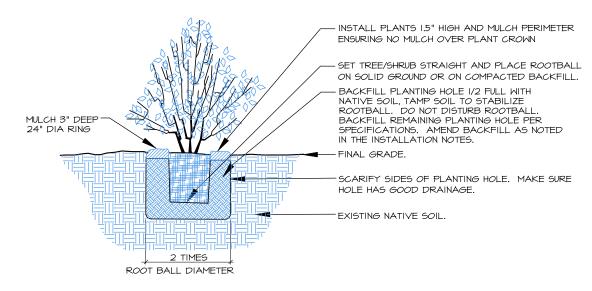


PLANT	SCHEDULE

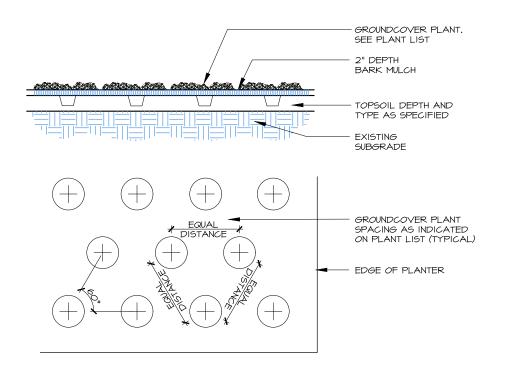
ŒΥ	SCIENTIFIC NAME	COMMON NAME	DENSITY	SPACING	QTY.	SIZE	NOTES
C	ACER CIRCINATUM	VINE MAPLE	10' 0.C.	10' O.C.	6	2 GAL.	MULTI-STEM (3 MIN.)
Ν	CORNUS NUTTALII	PACIFIC DOGWOOD	10' O.C.	10' O.C.	6	2 GAL.	FULL &BUSHY
$\mathcal{C}$	CORYLUS CORNUTA	WESTERN HAZELNUT	10' O.C.	10' O.C.	3	2 GAL.	MULTI-STEM (3 MIN.)
_	FRAXINUS LATIFOLIA	OREGON ASH	10' O.C.	10' O.C.	8	2 GAL.	SINGLE TRUNK, WELL BRANCHED
F	MALUS FUSCA	WESTERN CRABAPPLE	10' O.C.	10' O.C.	8	2 GAL.	SINGLE TRUNK, WELL BRANCHED
5	PICEA SITCHENSIS	SITKA SPRUCE	10' O.C.	10' 0.0.	П	2 GAL.	FULL & BUSHY
<b>)</b>	RHAMNUS PURSHIANA	CASCARA	10' O.C.	10' 0.C.	5	2 GAL.	MULTI-STEM (3 MIN.)
0	THUJA PLICATA	WESTERN RED CEDAR	10' O.C.	10' O.C.	10	2 GAL.	FULL & BUSHY
SHRU	BS						
.EY	SCIENTIFIC NAME	COMMON NAME	DENSITY	SPACING	QTY.	SIZE (MIN.)	NOTES
	CORNUS SERICEA	RED OSIER DOGWOOD	4.5' O.C.	3' O.C.	146	I GAL.	MULTI-STEM (3 MIN.)
)	HOODISCUS DISCOLOR	OCEAN SPRAY	4.5' O.C.	5' <i>O.</i> C.	4	I GAL.	MULTI-STEM (3 MIN.)
	LONICERA INVOLUCRATA	BLACK TWIN-BERRY	4.5' O.C.	3' O.C.	67	I GAL.	MULTI-STEM (3 MIN.)
	MAHONIA AQUIFOLIUM	TALL OREGON GRAPE	4.5' O.C.	3' O.C.	24	I GAL.	FULL & BUSHY
	PHYSOCARPUS CAPITATUS	PACIFIC NINEBARK	4.5' O.C.	5' O.C.	25	I GAL.	MULTI-STEM (3 MIN.)
4	RHODODENDRON MACROPHYLLUM	PACIFIC RHODODENDRON	4.5' O.C.	5' O.C.	3	I GAL.	FULL & BUSHY
5	RIBES SANGUINEUM	RED CURRANT	4.5' O.C.	5' O.C.	3	I GAL.	MULTI-STEM (3 MIN.)
	ROSA GYMNOCARPA	BALDHIP ROSE	4.5' O.C.	3' O.C.	35	I GAL.	MULTI-STEM (3 MIN.)
	ROSA NUTKANA	NOOTKA ROSE	4.5' O.C.	3' O.C.	27	I GAL.	MULTI-STEM (3 MIN.)
	ROSA PISOCARPA	CLUSTERED ROSE	4.5' O.C.	3' O.C.	29	I GAL.	MULTI-STEM (3 MIN.)
_	SALIX LASIANDRA	PACIFIC WILLOW	4.5' O.C.	5' O.C.	*84	4' CUTTING	I/2" DIA. MIN., BARK INTACT
	SALIX SCOULERIANA	SCOULER WILLOW	4.5' O.C.	3' O.C.	*147	4' CUTTING	I/2" DIA. MIN., BARK INTACT
	SALIX SITCHENSIS	SITKA WILLOW	4.5' O.C.	3' O.C.	* 7	4' CUTTING	1/2" DIA. MIN., BARK INTACT
	SYMPHORICARPOS ALBUS	SNOWBERRY	4.5' O.C.	3' O.C.	35	I GAL.	MULTI-STEM (3 MIN.)
	VACCINIUM OVATUM	EVERGREEN HUCKLEBERRY	4.5' O.C.	3' O.C.	30	I GAL.	FULL & BUSHY
; CUT	TING PER SYMBOL						
RO	UNDCOVER						
ΈΥ	SCIENTIFIC NAME	COMMON NAME		SPACING	QTY	SIZE (MIN.)	NOTES
/////	ATHYRIUM FILIX-FEMINA	LADY FERN		2' O.C.	379	I GAL.	FULL & BUSHY
	CAREX OBNUPTA	SLOUGH SEDGE		2' O.C.	327	CLUMP DIVISIONS	FULL & BUSHY
		SWORD FERN		3' O.C.	133	I GAL.	FULL & BUSHY

FIGURE 7: PLANT SCHEDULE MEYDENBAUER MEADOM 415 IO2ND AVENUE SE BELLEVUE, MASHINGTON KING COUNTY

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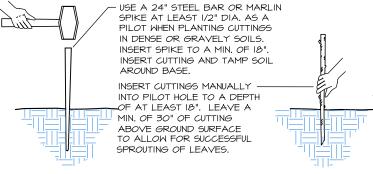


## CONTAINER TREE/SHRUB PLANTING (TYP.)



GROUNDCOVER PLANTING (TYP.)





- I. CUTTINGS SHALL BE SPECIES AS NOTED IN THE PLANT SCHEDULE.
- 2. CUTTINGS SHALL BE AT LEAST I/2" DIA. AND 4' (min.) IN LENGTH.
- 3. CUTTINGS MUST BE ALIVE WITH SIDE BRANCHES CLEARLY REMOVED AND BARK INTACT. CUTTINGS SHALL BE PLANTED WITHIN 24 HOURS OF CUTTING.
- 4. THE BUTT ENDS SHOULD BE CLEANLY CUT AT AN ANGLE FOR EASY INSERTION INTO THE SOIL. THE TOP SHOULD BE CUT SQUARE OR BLUNT.
- S. CUTTINGS MUST BE FRESH AND KEPT MOIST AFTER CUTTING. THEY SHOULD BE PRUNED AND INSTALLED THE SAME DAY.
- DIP BOTTOM OF CUTTING IN A PLANT ROOTING HORMONE PRIOR TO INSERTION INTO



DETAIL

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9: CONSTRUCTION E BAUER MEADOM ID AVENUE SE JE, MASHINGTON UNTY ENBAL ENBAL SZND / EVUE, I FIGURE MEYDE 415 103 BELLE KING (

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Associates, Oliver Altmann (

- I. CONTRACTOR INFORMATION. WHEN IT IS AVAILABLE, CONTACT INFORMATION SHALL BE PROVIDED TO THE CITY OF BELLEVUE THAT INCLUDES NAMES, ADDRESSES AND PHONE NUMBERS OF PERSONS/FIRMS THAT WILL BE RESPONSIBLE FOR INSTALLING REQUIRED PLANTS AND PERFORMING REQUIRED MAINTENANCE.
- 2. CONTRACTOR'S QUALIFICATIONS. ALL WORK SHALL BE PERFORMED BY A LICENSED LANDSCAPE CONTRACTOR REGISTERED IN THE STATE OF WASHINGTON. CONTRACTOR MUST BE EXPERIENCED IN MITIGATION AND RESTORATION WORK. THE CONTRACTOR SHALL PROVIDE THAT THERE IS ONE PERSON ON THE SITE AT ALL TIMES DURING WORK AND INSTALLATION WHO IS THOROUGHLY FAMILIAR WITH THE TYPE OF MATERIALS BEING INSTALLED AND THE BEST METHODS FOR THEIR INSTALLATION, AND WHO SHALL DIRECT ALL WORK BEING PERFORMED UNDER THESE SPECIFICATIONS. THIS PERSON SHALL HAVE A MINIMUM OF FIVE (5) YEARS EXPERIENCE INSTALLING NATIVE PLANT MATERIALS FOR WETLAND MITIGATION OR RESTORATION PROJECTS, UNLESS OTHERWISE ALLOWED BY THE LANDSCAPE DESIGNER, WETLAND BIOLOGIST AND/OR THE CITY OF BELLEVUE.
- 3. TEMPORARY EROSION CONTROL MEASURES WILL BE INSTALLED ALONG THE PROPOSED BUFFER BOUNDARY PRIOR TO ANY WORK IN THE CRITICAL AREA OR BUFFER.
- 4. A PRE-CONSTRUCTION MEETING WILL BE HELD ONSITE WITH THE LANDSCAPE CONTRACTOR AND AGA PRIOR TO START OF WORK.
- 5. ALL PLANTS SHOULD BE INSTALLED BETWEEN DECEMBER IST AND MARCH 15TH UNLESS SUPPLEMENTAL IRRIGATION IS IN PLACE PRIOR TO PLANTING.
- 6. INTERMEDIATE INSPECTIONS. ALL PLANTS SHALL BE INSPECTED AND APPROVED BY THE LANDSCAPE DESIGNER AND/OR WETLAND BIOLOGIST PRIOR TO INSTALLATION. CONDITION OF ROOTS OF A RANDOM SAMPLE OF PLANTS WILL BE INSPECTED, AS WELL AS ALL ABOVEGROUND GROWTH ON ALL PLANTS. ROOTS OF ANY BARE ROOT PLANTS, IF PERMITTED FOR USE, WILL BE INSPECTED. PLANT MATERIAL MAY BE APPROVED AT THE SOURCE, AT THE DISCRETION OF THE LANDSCAPE DESIGNER AND THE WETLAND BIOLOGIST. ALL MATERIAL MUST BE RE-INSPECTED AND APPROVED ON THE SITE PRIOR TO INSTALLATION. PLANT LOCATIONS SHALL ALSO BE INSPECTED AND APPROVED PRIOR TO PLANTING.
- 7. PRIOR TO INSTALLATION OF PLANT MATERIAL, THE PLANTING AREAS WILL BE LAID OUT BASED ON THE PLANTING PLAN, AND ALL NON-NATIVE WOODY AND HERBACEOUS VEGETATION LOCATED IN THE PLANTING AREAS WILL BE REMOVED BY HAND WITH THE EXCEPTION OF JAPANESE KNOTWEED THAT SHOULD BE INJECTED PER KING COUNTY STANDARDS. ENSURE FULL KILL BEFORE HAND REMOVAL OF REMAINING PLANT MATTER.
- 8. IN WEED-REMOVAL AREAS, IMPORTED DEJONG'S FERTIL-MULCH SHALL BE PLACED TO PRE CLEARING GRADES.
- 9. ALL PLANTS SHALL BE PIT-PLANTED IN PLANTING PITS EXCAVATED 2X THE DIAMETER OF THE PLANT. PITS SHALL BE BACKFILLED WITH A 30/10 MIX OF STEERCO TO NATIVE SOIL. PLANTS SHALL BE INSTALLED 3" HIGH AND SURFACED MULCHED TO A DEPTH OF 3" WITH COMPOSTED HOG-FUEL OR WOOD CHIPS PLACED CONTINUOUSLY THROUGHOUT THE PLANTING BED IN OPEN AREAS AND PLACED WITHIN A 24" DIAMETER AROUND EACH PLANT IN VEGETATED AREAS..
- IO. ALL PLANTS SHALL BE NURSERY GROWN (IN WESTERN WA OR OR) FOR AT LEAST I YEAR FROM PURCHASE DATE, FREE FROM DISEASE OR PESTS, WELL-ROOTED, BUT NOT ROOT-BOUND AND TRUE TO SPECIES.
- II. PLANT LAYOUT SHALL BE APPROVED BY AOA PRIOR TO INSTALLATION AND APPROVED UPON COMPLETION OF PLANTING.
- 12. UPON COMPLETION OF PLANTING, ALL PLANTS SHALL BE THOROUGHLY WATERED.
- 13. UPON APPROVAL OF PLANTING INSTALLATION BY AOA, THE CITY OF BELLEVUE WILL BE NOTIFIED TO CONDUCT A SITE REVIEW FOR FINAL APPROVAL OF CONSTRUCTION.
- 14. MAINTENANCE SHALL BE REQUIRED IN ACCORDANCE WITH THE CITY OF BELLEVUE MITIGATION GUIDELINES AND APPROVED PLANS.
- 15. AN IRRIGATION SYSTEM SHALL BE DESIGNED BY THE LANDSCAPE CONTRACTOR TO PROVIDE 1/2" OF FLOW 2-3 TIMES WEEKLY FROM JULY I -OCTOBER 31 THE FIRST YEAR AFTER PLANTING TO ALL PLANTED AREAS VIA MP3 ROTOR HEADS. FLOW SHALL REDUCE TO I-2 TIMES WEEKLY THE SECOND YEAR AFTER PLANTING AND ONCE WEEKLY THE YEARS 3-5.
- 16. MAINTENANCE SHALL BE IMPLEMENTED ON A REGULAR BASIS ACCORDING TO THE SCHEDULE BELOW.

#### ANNUAL MAINTENANCE SCHEDULE

MAINTENANCE ITEM	7	F	М	Α	М	J	J	Α	5	0	N	U
WEED CONTROL						1	1					
GENERAL MAINT.					I	1	1	1	I			
IRRIGATION - YEAR I						4	8	8	8			
IRRIGATION - YEAR 2						4	8	8	8			
IRRIGATION - YEARS 3-5						4	4	4	4			

I-8 = NUMBER OF TIMES TASK SHALL BE PERFORMED PER MONTH

FIGURE 9: SPECIFICATIONS MEYDENBAUER MEADOM 415 IO2ND AVENUE SE BELLEVUE, WASHINGTON KING COUNTY

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A CRITICAL AREA ENHANCEMENT PLAN HAS BEEN PREPARED BY AOA. AS PART OF THE ENHANCEMENT PLAN, INVASIVE SPECIES WITHIN THE MITIGATION AREAS WOULD BE REMOVED AND THE AREA PLANTED WITH A VARIETY OF NATIVE SPECIES. THE NATIVE PLANTINGS WOULD INCREASE THE PLANT SPECIES AND STRUCTURAL DIVERSITY OF THE BUFFER WHILE PROVIDING A VISUAL AND PHYSICAL SCREEN TO THE WETLAND AND STREAM FROM THE PROPOSED RESIDENCES.

I.I GOAL, OBJECTIVES, AND PERFORMANCE STANDARDS FOR ENHANCEMENT AREAS.

THE PRIMARY GOAL OF THE MITIGATION PLAN IS TO INCREASE THE HABITAT AND PROTECTIVE FUNCTIONS OF THE CRITICAL AREAS ON THE SITE OVER CURRENT CONDITIONS. TO MEET THIS GOAL, THE FOLLOWING OBJECTIVES AND PERFORMANCE STANDARDS HAVE BEEN INCORPORATED INTO THE DESIGN OF THE PLAN:

OBJECTIVE A: INCREASE THE STRUCTURAL AND PLANT SPECIES DIVERSITY WITHIN THE ENHANCEMENT AREAS.

PERFORMANCE STANDARD: THERE WILL BE 100% SURVIVAL OF ALL WOODY PLANTED SPECIES THROUGHOUT THE ENHANCEMENT AREA AT THE END OF THE FIRST YEAR OF PLANTING. FOLLOWING YEAR I, SUCCESS WILL BE BASED ON AN 85% SURVIVAL RATE. AREAL COVERAGE OF PLANTINGS OR NATIVE RE-COLONIZED SPECIES WILL BE AT LEAST 15% AT YEAR 1, 20% AT YEAR 2, 30% AT YEAR 3, AND 50% AT YEAR 5.

OBJECTIVE B: LIMIT THE AMOUNT OF INVASIVE AND EXOTIC SPECIES WITHIN THE ENHANCEMENT AREAS.

PERFORMANCE STANDARD: AFTER CONSTRUCTION AND FOLLOWING EVERY MONITORING EVENT FOR A PERIOD OF AT LEAST FIVE YEARS, EXOTIC AND INVASIVE PLANT SPECIES WILL BE MAINTAINED AT LEVELS BELOW 10% TOTAL COVER IN ALL PLANTED AREAS. THESE SPECIES INCLUDE, BUT ARE NOT LIMITED TO, HIMALAYAN AND EVERGREEN BLACKBERRY, REED CANARYGRASS, JAPANESE KNOTWEED, ENGLISH IVY, THISTLE, POISON HEMLOCK, STINKY BOB, LAUREL, HOLLY, HEDGE BINDWEED AND CREEPING NIGHTSHADE.

#### I.2 CONSTRUCTION MANAGEMENT

PRIOR TO COMMENCEMENT OF ANY WORK IN THE ENHANCEMENT AREAS, THE CLEARING LIMITS WILL BE STAKED AND ALL EXISTING VEGETATION TO BE SAVED WILL BE CLEARLY MARKED. A PRE-CONSTRUCTION MEETING WILL BE HELD AT THE SITE TO REVIEW AND DISCUSS ALL ASPECTS OF THE PROJECT WITH THE LANDSCAPE CONTRACTOR AND THE OWNER.

A CONSULTANT WILL SUPERVISE PLAN IMPLEMENTATION DURING CONSTRUCTION TO ENSURE THAT OBJECTIVES AND SPECIFICATIONS OF THE ENHANCEMENT PLAN ARE MET. ANY NECESSARY SIGNIFICANT MODIFICATIONS TO THE DESIGN THAT OCCUR AS A RESULT OF UNFORESEEN SITE CONDITIONS WILL BE JOINTLY APPROVED BY THE CITY OF BELLEVUE AND THE CONSULTANT PRIOR TO THEIR IMPLEMENTATION.

#### I.3 MONITORING METHODOLOGY

THE MONITORING PROGRAM WILL BE CONDUCTED FOR A PERIOD OF FIVE YEARS, WITH ANNUAL REPORTS SUBMITTED TO THE CITY OF BELLEVUE. PERMANENT VEGETATION SAMPLING PLOTS WILL BE ESTABLISHED TO MONITOR THE GENERAL APPEARANCE, HEALTH, MORTALITY, COLONIZATION RATES, PERCENT COVER, PERCENT SURVIVAL, VOLUNTEER PLANT SPECIES, AND INVASIVE WEEDS.

PHOTO-POINTS WILL BE ESTABLISHED FROM WHICH PHOTOGRAPHS WILL BE TAKEN THROUGHOUT THE MONITORING PERIOD. THESE PHOTOGRAPHS WILL DOCUMENT GENERAL APPEARANCE AND PROGRESS IN PLANT COMMUNITY ESTABLISHMENT IN THE ENHANCEMENT AREAS. REVIEW OF THE PHOTOS OVER TIME WILL PROVIDE A VISUAL REPRESENTATION OF SUCCESS OF THE PLAN.

#### I.4 MAINTENANCE PLAN

MAINTENANCE WILL BE CONDUCTED ON A ROUTINE, YEAR ROUND BASIS. ADDITIONAL MAINTENANCE NEEDS WILL BE IDENTIFIED AND ADDRESSED FOLLOWING A TWICE-YEARLY MAINTENANCE REVIEW. CONTINGENCY MEASURES AND REMEDIAL ACTION ON THE SITE SHALL BE IMPLEMENTED ON AN AS-NEEDED BASIS AT THE DIRECTION OF THE CONSULTANT OR THE OWNER.

ROUTINE REMOVAL AND CONTROL OF NON-NATIVE AND OTHER INVASIVE PLANTS (E.G., HIMALAYAN AND EVERGREEN BLACKBERRY, JAPANESE KNOTWEED, ENGLISH IVY, THISTLE AND CREEPING NIGHTSHADE) SHOULD BE PERFORMED ONLY BY MANUAL MEANS. UNDESIRABLE AND WEEDY EXOTIC PLANT SPECIES SHALL BE MAINTAINED AT LEVELS BELOW 10% TOTAL COVER WITHIN ANY GIVEN STRATUM AT ANY TIME DURING THE FIVE-YEAR MONITORING PERIOD.

#### 1.5 CONTINGENCY PLAN

ALL DEAD PLANTS WILL BE REPLACED WITH THE SAME SPECIES OR AN APPROVED SUBSTITUTE SPECIES THAT MEETS THE GOAL OF THE ENHANCEMENT PLAN. PLANT MATERIAL SHALL MEET THE SAME SPECIFICATIONS AS ORIGINALLY-INSTALLED MATERIAL. REPLANTING WILL NOT OCCUR UNTIL AFTER REASON FOR FAILURE HAS BEEN IDENTIFIED (E.G., MOISTURE REGIME, POOR PLANT STOCK, DISEASE, SHADE/SUN CONDITIONS, WILDLIFE DAMAGE, ETC.). REPLANTING SHALL BE COMPLETED UNDER THE DIRECTION OF THE CONSULTANT, CITY OF BELLEVUE, OR THE OWNER.

#### I.6 AS-BUILT PLAN

FOLLOWING COMPLETION OF CONSTRUCTION ACTIVITIES, AN AS-BUILT PLAN FOR THE RESTORATION AREA WILL BE PROVIDED TO THE CITY OF BELLEVUE. THE PLAN WILL IDENTIFY AND DESCRIBE ANY CHANGES IN RELATION TO THE ORIGINAL APPROVED PLAN.

#### 1.7 FINANCIAL GUARANTEE

A FINANCIAL GUARANTEE WILL BE POSTED TO ENSURE THAT THE MITIGATION AND MONITORING PROGRAM IS FULLY IMPLEMENTED.

IO: MONITORING PROGRAM BAUER MEADOM ID AVENUE SE JE, MASHINGTON

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